



New South Wales

# Sheriff Regulation 2016

under the

Sheriff Act 2005

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

GABRIELLE UPTON, MP  
Attorney General

## Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Sheriff Regulation 2011*, which is repealed on 1 September 2016 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the delegation of functions of the Sheriff,
- (b) the form of oath or affirmation to be taken or made by the Sheriff and sheriff's officers,
- (c) the exclusion of certain bodies from the prohibition on using the word "sheriff" in their operating names,
- (d) the 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",
- (e) the identification certificate to be issued to a sheriff's officer,
- (f) savings and formal matters.

This Regulation is made under the *Sheriff Act 2005*, including sections 5 (c), 7 (1), 11 (4), 12 (3), 13 and 16 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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## Sheriff Regulation 2016

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### 1 Name of Regulation

This Regulation is the *Sheriff Regulation 2016*.

### 2 Commencement

This Regulation commences on 1 September 2016 and is required to be published on the NSW legislation website.

**Note.** This Regulation replaces the *Sheriff Regulation 2011*, which is repealed on 1 September 2016 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

(1) In this Regulation:

*the Act* means the *Sheriff Act 2005*.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

### 4 Delegation of Sheriff's functions

For the purposes of section 5 (c) of the Act, the Sector Supervisor of the NSW Police Force on Lord Howe Island is prescribed as a person to whom the Sheriff may delegate the Sheriff's functions.

### 5 Oath or affirmation of office

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

I, \_\_\_\_\_, do [*\*swear/solemnly, sincerely and truly declare and affirm*] 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.

\*\* Omit if affirmation.

### 6 Bodies with operating name that includes "sheriff"

For the purposes of section 11 (4) of the Act, a body that has, among its primary objects, the object of providing public entertainment is declared to be a body to which section 11 of the Act does not apply.

## 7 Matters for consideration for consents

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 Registration Act 2011* of the Commonwealth has been, or would be, refused,
- (b) whether an application for incorporation of an association under that name under the *Associations Incorporation Act 2009* 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*.

## 8 Prescribed form of identification for sheriff’s officers

For the purposes of section 13 of the Act, the following form is prescribed:  
(*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*.

[*affix photograph here*]

Authority number: [*insert authority number*]

Signature of sheriff’s officer: [*insert signature*]

Signature of Sheriff: [*insert signature*]

## 9 Saving

Any act, matter or thing that, immediately before the repeal of the *Sheriff Regulation 2011*, had effect under that Regulation continues to have effect under this Regulation.