



New South Wales

# Sheriff Regulation 2021

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*.

MARK SPEAKMAN, MP

Attorney General, and Minister for Prevention of Domestic and Sexual Violence

## Explanatory note

The object of this Regulation is to repeal and remake, with minor changes, the *Sheriff Regulation 2016*, which would otherwise be repealed on 1 September 2021 by the *Subordinate Legislation Act 1989*, section 10(2).

This Regulation provides for the following—

- (a) delegation of the Sheriff’s functions,
- (b) the form of oath to be taken, or affirmation to be made, by the Sheriff and sheriff’s officers,
- (c) allowing certain bodies to use the word “sheriff” in their operating names,
- (d) the matters to which the Sheriff must have regard in deciding whether to grant or revoke consent to the use of an operating name that includes the word “sheriff”,
- (e) the form of certificates of identification for sheriff’s officers,
- (f) savings and formal matters.

This Regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) 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 2021

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### 1 Name of Regulation

This Regulation is the *Sheriff Regulation 2021*.

### 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

**Note.** This Regulation repeals and replaces the *Sheriff Regulation 2016*, which would otherwise be repealed on 1 September 2021 by the *Subordinate Legislation Act 1989*, section 10(2).

### 3 Definition

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.

### 4 Delegation of Sheriff's functions

For the purposes of the Act, section 5(c), the Sector Supervisor of the NSW Police Force on Lord Howe Island is prescribed.

### 5 Oath or affirmation of office

For the purposes of the Act, section 7(1), the following form is prescribed—

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

### 7 Matters for consideration for consents

For the purposes of the Act, section 12(3), the following matters are prescribed—

- (a) whether an application for registration of the operating name under the *Business Names Registration Act 2011* of the Commonwealth has been, or would likely be, refused,
- (b) whether an application for incorporation of an association under the operating name under the *Associations Incorporation Act 2009* has been, or would likely be, refused,
- (c) whether the operating name suggests a connection to the Sheriff or to sheriff's officers,
- (d) whether the operating name is used, or is proposed to be used, in connection with—
  - (i) carrying on a security activity within the meaning of the *Security Industry Act 1997*, or
  - (ii) exercising a security officer's function under the *Court Security Act 2005*.

#### 8 Form of certificates of identification for sheriff's officers

For the purposes of the Act, section 13, 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 Repeal and savings

- (1) The *Sheriff Regulation 2016* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Sheriff Regulation 2016*, had effect under that Regulation continues to have effect under this Regulation.