

Sheriff Act 1900 No 16

[1900-16]



New South Wales

Status Information

Currency of version

Repealed version for 7 July 1999 to 30 June 2005 (accessed 8 August 2024 at 8:24)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Civil Procedure Act 2005 No 28](#), Sch 5.43 (not commenced — to commence on the commencement of sec 18 of that Act)
- **Repeal**
The Act was repealed by sec 17 (1) of the [Sheriff Act 2005 No 6](#) with effect from 1.7.2005.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Sheriff Act 1900 No 16



New South Wales

An Act to consolidate the enactments relating to the office of Sheriff.

Part 1 Preliminary

1 Name of Act

This Act may be cited as the *Sheriff Act 1900*.

2 Repeal and savings

- (1) The Acts mentioned in the Schedule to this Act are to the extent therein expressed hereby repealed.
- (2) Every person appointed under any enactment hereby repealed and holding office at the time of the passing of this Act shall be deemed to have been appointed hereunder.
- (3) Every bond and recognisance entered into under any enactment hereby repealed and in force at the time of the passing of this Act shall be deemed to have been entered into hereunder.
- (4) Every scale of fees fixed under any enactment hereby repealed and in force at the time of the passing of this Act shall be deemed to have been fixed hereunder.

Part 2 The sheriff

3 Tenure of office

The office of sheriff shall be holden during pleasure.

4 Bond by sheriff for due execution of office

The sheriff shall from time to time procure and give such security by bond or recognisance to Her Majesty, personally and by such sureties and in such reasonable sum or sums respectively as Her Majesty may require, conditioned for the collection and for the payment over by him or her to the Colonial Treasurer of all moneys which shall come to his or her hands by virtue of his or her office of sheriff and which should be paid over to the said Treasurer.

5 Enforcement of bond

In case of non-payment, Her Majesty may put the said bond or recognisance in suit and enforce the same by extent as in any ordinary case of debt by recognisance due to the Crown.

6 Limitation of liability of surety

- (1) No surety for the sheriff shall be liable beyond the separate amount in which the surety has become bound for himself or herself.
- (2) Every such surety may withdraw from any liability for the future under any such bond or recognisance by giving to the Attorney General three months' notice in writing of the intended withdrawal, without prejudice nevertheless to any previous breach of the condition of such bond or recognisance.

7 Monthly return of fines

- (1) On the first Monday in every month a return shall be made by the sheriff to the Governor of all fines which during the preceding month the sheriff has been ordered by the Supreme Court to collect, or which it may otherwise be the sheriff's duty to collect.
- (2) Such return shall show:
 - (a) whether such fines have been collected or not, and
 - (b) the whole amount which at the time of making the return remains due to the sheriff on account of fines, with the name of the party or parties from whom such amount is owing.

8 Sheriff or deputy to attend Courts

The sheriff shall personally or by a deputy be in attendance upon the Supreme Court, and the District Court during every sitting of the said Courts; and in every case of non-attendance upon any of the said Courts shall be liable to a fine not exceeding 1 penalty unit to be summarily imposed at the discretion of such Court for such non-attendance.

8A Sheriff may effect service

The sheriff or any of the sheriff's officers may serve any judgment, order, pleading, affidavit, notice or other document in any proceedings in the Supreme Court.

9 Fees

The Governor may, from time to time, fix the scale of fees to be chargeable in the sheriff's office in respect of all matters pending at any time in the Supreme Court.

Part 3 Special bailiffs

10 Direction of process to person other than the sheriff

In all cases where, notwithstanding the direction of any process of the Supreme Court to the sheriff, the said Court is by clause thirteen of the *Charter of Justice* required to direct by what person and in what manner such process shall be executed, the process may if the said Court sees fit, be directed to such person instead of to the sheriff.

11 Fees

In any case where the Supreme Court:

- (a) pursuant to clause twelve of the *Charter of Justice*, nominates and appoints some person other than the sheriff as the person to whom the process of the said Court shall be directed, or
- (b) pursuant to clause thirteen of the *Charter of Justice*, notwithstanding the direction of any process of the said Court to the sheriff, directs by what person and in what manner such process shall be executed, or
- (c) pursuant to section ten of this Act directs process to a person other than the sheriff,

the fees paid in ordinary cases to the sheriff by the person against whom such process is sued out shall be due and payable to the person suing out such process, except the fees for registering the warrant and returning the same.

12 Sheriff relieved from responsibility

In any of the cases mentioned in section eleven of this Act the sheriff, although the process may be in fact directed to the sheriff, shall not be responsible for any act done under or in respect of such process or by colour thereof; but the person aggrieved by any such act shall have the same remedy and right of action against:

- (a) the person to whom the process was directed, or the person appointed to execute the same, as the case may be, or
- (b) the person suing out the process, or
- (c) both such persons, separately or jointly,

as the person aggrieved would have had against the sheriff if such process had been directed to that officer and the act complained of had been done by that officer.

Part 4 Supplementary

13 Impersonation of sheriff or sheriff's officers

A person shall not impersonate the sheriff or an officer of the sheriff.

Maximum penalty: 5 penalty units.

14 Proceedings for an offence

Proceedings for an offence against this Act shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

15-17 (Repealed)

Schedule

Number of Act	Title of Act	Extent of repeal
5 Vic No 4	An Act to make further provision for the trial of cases in the Circuit Court of New South Wales, and to amend in certain respects the Act providing for trial by jury in such courts.	Section 11.
7 Vic No 13	An Act for regulating the appointment and duties of sheriff in New South Wales.	All the unrepealed part, except sections 3 and 7.
11 Vic No 20	An Act to consolidate and amend the laws relative to jurors and juries in New South Wales.	Part of section 37 down to and including the words "such non-attendance."
50 Vic No 31	Sheriffs' Fees Act 1887.	The whole.