



# Sheriffs Act 1887

1887 CHAPTER 55 50 and 51 Vict

An Act to consolidate the Law relating to the office of Sheriff in England, and to repeal certain enactments relating to Sheriffs which have ceased to be in force or have become unnecessary.  
[16th September 1887]

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**Modifications etc. (not altering text)**

- C1 “Writ” to be construed as not including writ for parliamentary elections: [Representation of the People Act 1948 \(c. 65\), Sch. 10 Pt. II, para. 4](#)
- C2 References to sheriff to be construed as references to high sheriff: [Local Government Act 1972 \(c. 70\), s. 219\(1\)](#)
- C3 Act: power to amend conferred (1.4.1996) by [1994 c. 19, s. 62\(3\)](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 6(3), [Sch. 5](#)
- C4 Act excluded (temp. from 19.7.1996 to 31.3.1998) by [S.I. 1996/1867, art. 4\(2\)\(a\)](#)

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**Commencement Information**

- II Act wholly in force at Royal Assent

*Preliminary*

**1 Short title.**

This Act may be cited as the Sheriffs Act 1887.

**2 Extent of Act.**

This Act shall not extend to Scotland or Ireland.

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**Modifications etc. (not altering text)**

- C5 Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, P. 400), art. 2.

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### *Appointment and Qualification*

#### **3 Annual appointment of sheriff and duration of office.**

- (1) A sheriff shall be annually appointed for every county.
- (2) Save as provided by this Act, a sheriff shall not hold office for more than one year, and a grant after the passing of this Act of the office for more than one year shall be void.
- (3) The office of sheriff or of any officer of a sheriff shall not become void by reason of the demise <sup>F1</sup>. . . of the Duchy of Cornwall, but the person holding the office shall, unless sooner removed or superseded, continue in office for the remainder of his term, in like manner as if such demise had not taken place.
- [<sup>F2</sup>(4) In this Act “county”, in relation to Wales, means a preserved county (as defined by section 64 of the Local Government (Wales) Act 1994).]

#### **Textual Amendments**

- F1** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 1 Pt. I](#)
- F2** [S. 3\(4\)](#) added (1.4.1996) by [1994 c. 19, s. 62\(1\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1995/3198, art. 6\(3\), Sch. 5](#)

#### **Modifications etc. (not altering text)**

- C6** [S. 3](#): power to amend conferred (1.4.1996) by [1994 c. 19, s. 62\(2\)](#), (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1995/3198, art. 6\(3\), Sch. 5](#)

#### **4 Qualification of sheriffs.**

A person shall not be appointed sheriff <sup>F3</sup>. . . except he have sufficient land within his county <sup>F3</sup>. . . to answer the Queen and her people.

#### **Textual Amendments**

- F3** Words repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

#### **5 Same person not to be chosen twice in three years.**

A person who has been sheriff of a county for a whole year shall not within three years next ensuing be appointed sheriff of that county unless there is no other person in the county qualified to fill the office.

#### **6 Nomination and appointment of sheriffs.**

- (1) On the twelfth day of November in every year (or if that day fall on a Sunday then on the ensuing Monday) persons fit to serve as sheriffs shall be nominated for every county at the Royal Courts of Justice in the manner that has been heretofore used and observed, and shall be so nominated by the following great officers, namely, the Lord Chancellor, the Lord High Treasurer, or if there is no Lord High Treasurer, the Chancellor of the Exchequer, the Lord President and others of Her Majesty’s Most Honourable Privy Council, and the Lord Chief Justice of England, or any two or more

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of such great officers, taking to them the judges of Her Majesty's High Court, or any two or more of them.

- (2) Whenever Her Majesty has duly pricked a person to be sheriff of a county, the same shall be forthwith notified in the London Gazette; and a warrant in the form in the First Schedule to this Act shall be forthwith made out and signed by the Clerk of the Privy Council and transmitted by him to the person so pricked; and the appointment of sheriff so made shall be of the same effect as if made by patent under the Great Seal; and every sheriff so appointed upon making the declaration of office in this Act mentioned shall by virtue of this Act only and without payment of any fee have and exercise all powers, privileges, and authorities usually exercised and enjoyed by sheriffs of counties in England.
- (3) A duplicate of the said warrant shall within ten days after the date thereof be transmitted by the Clerk of the Privy Council to the clerk of the peace of the county for which such person is appointed sheriff and shall be enrolled and kept by the said clerk of the peace without fee.

[<sup>F4</sup>(3A) In relation to Wales—

- (a) subsection (3) above shall apply as if it required the duplicate warrant to be transferred to, and enrolled and kept by, the proper officer of the appropriate county or county borough council; and
- (b) section 3(4) above shall not apply.

(3B) Any question as to which is the appropriate county or county borough council in relation to a particular warrant shall be determined by the Secretary of State.]

(4) Nothing in this section shall apply to the counties of Cornwall, Lancaster . . . <sup>F5</sup>

#### Textual Amendments

**F4** S. 6(3A)(3B) inserted (1.4.1996) by 1994 c. 19, s. 62(4) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/31987, art. 6(3), Sch. 5

**F5** Words repealed by Statute Law Revision Act 1908 (c. 49)

#### Modifications etc. (not altering text)

**C7** Reference to clerk of the peace of the county to be construed as reference to proper officer of county council: Courts Act 1971 (c. 23), Sch. 8 para. 1 and Local Government Act 1972 (c. 70), Sch. 29 Pt. I para. 4(1)(b)

**C8** S. 6(3) modified by Administration of Justice Act 1964 (c. 42), s. 19(4)

## 7 Declaration of office.

- (1) Every sheriff shall, before he enters on the execution of his office, make and subscribe a declaration in the form in the Second Schedule to this Act or to the like effect before one of the judges of Her Majesty's High Court or before a justice of the peace for the county of which he is sheriff.
- (2) Every sheriff shall continue to be and act as sheriff until his successor has made the said declaration and entered upon office.

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**Modifications etc. (not altering text)**

**C9** S. 7(1) modified by [Administration of Justice Act 1964 \(c. 42\)](#), s. 19(4)

*Powers, Duties, and Liabilities*

**8 Powers of sheriff for posse comitatus.**

<sup>F6</sup>(1) .....

- (2) If a sheriff finds any resistance in the execution of a writ he shall take with him the power of the county, and shall go in proper person to do execution, and may arrest the resisters and commit them to prison, and every such resister shall be guilty of a misdemeanor.

**Textual Amendments**

**F6** S. 8(1) repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

<sup>F7</sup>9 .....

**Textual Amendments**

**F7** S. 9 repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

**10 Duties as to execution of writs.**

- (1) A sheriff at the request of a person delivering a writ to him for execution shall give a receipt for that writ stating the day of its delivery.

<sup>F8</sup>(2) .....

**Textual Amendments**

**F8** S. 10(2) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

**11 Duties on receipt of debt to Crown.**

- (1) Where a sheriff or his officer or other person employed in collecting by process from any court any debt due to the Crown receives from any person a sum due to the Crown he shall give a receipt to such person for that sum; and the sheriff, at the next account after a sum due to the Crown has been paid to him or his officer, shall procure the effectual discharge of the debtor paying the same.
- (2) An officer of a sheriff receiving any such sum shall account for it to the sheriff, and the sheriff shall give a receipt for such sum.

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- (3) In case of any default under this section, the sheriff and his heirs, executors, and administrators, shall be liable to pay any damages suffered by a debtor in consequence of such default.

<sup>F9</sup>**12** .....

**Textual Amendments**

**F9** [S. 12](#) repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. I](#)

<sup>F10</sup>**13** .....

**Textual Amendments**

**F10** [Ss. 13, 14\(2\)\(3\)](#) repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

<sup>F11</sup>**14** .....

**Textual Amendments**

**F11** [S. 14](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. I](#) Group 1

**15 Liability for wrongful imprisonment.**

A person unlawfully imprisoned by a sheriff or any of his officers shall have an action against such sheriff in like manner as against any other person that should imprison him without warrant.

**16 Liability for escape.**

- (1) If a person in the custody of the sheriff or any of his officers or of any other person, either in execution or for non-performance of a judgment or order of the High Court, or for contempt of that court or otherwise in the course of a civil proceeding, escapes out of legal custody, such sheriff or other person shall be liable to pay the damages sustained by the person at whose suit such prisoner was taken into custody, and all costs of any action or other proceeding to recover the same, but not any further sum.
- (2) A sheriff shall not be liable for the escape of any prisoner when confined in any prison subject to the [<sup>F12M1</sup>[Prison Act 1952](#)].

**Textual Amendments**

**F12** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\)](#), [s. 38\(1\)](#)

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#### Marginal Citations

**M1** 1952 c. 52.

### 17 Disability to act as justice of the peace.

A person shall not, while he is sheriff of a county, act as a justice of the peace for that county, and if he does so act, all his acts done as such justice of the peace shall be void.

#### Modifications etc. (not altering text)

**C10** S. 17 modified by [Administration of Justice Act 1964 \(c. 42\)](#), s. 19(4)

<sup>F13</sup>18 .....

#### Textual Amendments

**F13** S. 18 repealed by [Administration of Justice Act 1977 \(c. 38\)](#), Sch. 5 Pt. V

<sup>F14</sup>19 .....

#### Textual Amendments

**F14** S. 19 repealed by [Courts Act 1971 \(c. 23\)](#), Sch. 11 Pt. IV

### 20 Fees and poundage.

- (1) A sheriff shall be entitled in respect of all sums due to the Crown, and collected by him under process of any court, to an allowance upon his accounts of [<sup>F15</sup>7½p] in the pound for every sum not exceeding one hundred pounds, and of [<sup>F15</sup>5p] for every pound exceeding the first hundred pounds.
- (2) Any sheriff or officer of a sheriff concerned in the execution of process directed to the sheriff, other than process for the recovery of the aforesaid sums due to the Crown, may demand, take, and receive such fees and poundage as may from time to time be fixed by the Lord Chancellor, with the advice and consent of the judges of the Court of Appeal and High Court, or any three of them, and with the concurrence of the Treasury.
- (3) Any sheriff or officer of a sheriff, and any officer arresting or having in custody any person by virtue of any action, writ, or attachment, shall not demand or take any reward to do his office except such remuneration as is given to the sheriffs by the Crown, or is given to an officer of the sheriff by the sheriff, and such fees and poundage as are above-mentioned or are allowed by or in pursuance of any other Act, and, save as allowed by this Act, shall not demand or take directly or indirectly any reward for doing his office or duty or for abstaining therefrom, or in respect of the mode in which he does his office or duty.

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- (4) Where a sheriff seizes any personal estate for any sum due to the Crown and dies or is superseded before he has sold the same and his successor sells the same, the poundage and fees due in respect of the seizure and sale shall be apportioned between the preceding and subsequent sheriffs in such manner and proportions as a judge of the High Court may on application determine, having regard to the expense and trouble that each sheriff had.

#### Textual Amendments

**F15** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

### Accounts

## 21 Transmission of accounts of sheriff.

- (1) Every sheriff shall within two months after the expiration of his office, or in the case of the death of any sheriff the under-sheriff by him appointed shall within two months next after the death of such sheriff, transmit to the <sup>F16</sup>Lord Chancellor] a just and true account under his hand—

- (a) of all sums received by such sheriff for the use of the Crown, and of all sums paid or claimed by him or on his behalf (including such sums as have been usually inserted in the bill of cravings), with all such particulars as are needful to explain the same, and
- (b) of the names and residences of all persons incurring fines, issues, amerciaments, forfeited recognizances, or sums of money which he has been authorised to levy by virtue of any writ issued to him or to any predecessor in office, and if the same have not been levied, the causes of their not having been levied;

and the <sup>F16</sup>Lord Chancellor] may grant a warrant for the allowance of the sums so paid or claimed in the account, or for the payment of such sums of money in respect thereof as <sup>F16</sup>he] may think reasonable:

- (2) Provided as follows:—

- (a) a sheriff or under-sheriff shall not be imprisoned upon any process for not finishing his accounts in due time, or for any contempt or neglect in relation to his accounts, except by a warrant naming such sheriff or under-sheriff and specifying his offence, and issued by one of the judges of the High Court;
- (b) an under-sheriff shall not be personally responsible for any sum received by a deceased sheriff, but the same shall be answered by the representatives of the deceased sheriff or otherwise in due course of law; and
- (c) nothing in this section shall alter the right of any body corporate or person under any charter to receive any fines or other sums.

#### Textual Amendments

**F16** Words substituted by [S.I. 1976/229, arts. 2, 4](#)

*Status: Point in time view as at 01/04/1996.**Changes to legislation: There are currently no known outstanding effects for the Sheriffs Act 1887. (See end of Document for details)***22 Audit of accounts of sheriff.**

- (1) All accounts of sheriffs and their under-sheriffs which are transmitted to the [<sup>F17</sup>Lord Chancellor] under this Act shall be examined and audited by such persons and in such manner as the [<sup>F17</sup>Lord Chancellor] may from time to time by warrant direct; and the [<sup>F17</sup>Lord Chancellor] may by any warrant make such provisions in relation to the transmission, examination, verification, and audit of such accounts, and for ascertaining and determining the balances due from and the discharge of the persons accounting, as to the Treasury may seem proper.
- (2) Every such warrant shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament be sitting, and if Parliament be not sitting then within fourteen days after the next meeting of Parliament.
- (3) If under any such warrant it is necessary for a sheriff or under-sheriff to take any oath to any account or any matter relating thereto, such oath, except when the [<sup>F17</sup>Lord Chancellor requires] his personal examination before the person appointed by [<sup>F17</sup>him] to audit, may be sworn before any judge of Her Majesty's High Court, or before any master of the Supreme Court, or before any commissioner for taking oaths in the Supreme Court, or before any justice of the peace.
- (4) If any officer, clerk, or other person concerned in the passing of sheriffs accounts by his wilful act or default hinders any sheriff in passing his accounts, or obtaining his *quietus*, he shall make such satisfaction to the party aggrieved as may be ordered by Her Majesty's High Court or any judge thereof on complaint made in such summary manner as the said court may order.

**Textual Amendments****F17** Words substituted by [S.I. 1976/229, arts. 2, 4](#)*Under-Sheriff and Officers***23 Obligation to appoint under-sheriff and declaration of office by under-sheriff.**

- (1) Every sheriff shall within one month after the notification of his appointment in the London Gazette by writing under his hand appoint some fit person to be his under-sheriff, and shall transmit a duplicate of such written appointment to the clerk of the peace for the county which shall be filed by him among the records of his office.
- (2) For filing such duplicate the clerk of the peace shall be entitled to demand and receive from the under-sheriff such fee as may be from time to time fixed in pursuance of the enactments relating to fees of clerks of the peace, and until any fee is so fixed a fee of [<sup>F18</sup>25p].
- (3) Every under-sheriff shall before he enters on the execution of his office make a declaration in the form in the Second Schedule to this Act or to the like effect before one of the judges of Her Majesty's High Court, or before a justice of the peace for the county for which such under-sheriff is appointed.

**Textual Amendments****F18** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)



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**Modifications etc. (not altering text)**

- C11** S. 23 amended by [Local Government Act 1972 \(c. 70\), s. 219\(5\)](#)
- C12** References to clerk of the peace for the county to be construed as references to proper officer of county council: [Courts Act 1971 \(c. 23\), Sch. 8 para. 1](#) and [Local Government Act 1972 \(c. 70\), Sch. 29 Pt. I para. 4\(1\)\(b\)](#)
- C13** S. 23(1)(3) modified by [Administration of Justice Act 1964 \(c. 42\), s. 19\(4\)](#)

**24 Obligation to appoint deputy resident in London.**

Every sheriff shall appoint a sufficient deputy, who shall be resident or have an office within one mile from the Inner Temple Hall, for the receipt of writs, the granting of warrants thereon, the making of returns thereto, and the acceptance of all rules and orders to be made on or touching the execution of any process or writ to be directed to such sheriff.

**25 Execution of office by under-sheriff on death or suspension of sheriff.**

- (1) Where the sheriff of a county dies before the expiration of his year of office or before he is lawfully superseded, the under-sheriff by him appointed shall nevertheless continue in office and shall until another sheriff be appointed for the said county and has made the declaration of office, execute the office of sheriff, in the name of the deceased sheriff, and be answerable for the execution of the said office as the deceased sheriff would by law have been if living; and the security given to the sheriff so deceased by the said under-sheriff and his pledges shall remain and be a security to the Crown and to all persons whomsoever for such under-sheriff's due execution of the offices of sheriff and under-sheriff.
- (2) When it becomes the duty of an under-sheriff to act as sheriff under the provisions of this section he may by writing under his hand appoint a deputy.

**Modifications etc. (not altering text)**

- C14** S. 25 amended by [Local Government Act 1972 \(c. 70\), s. 40\(4\)](#)

**26 Declaration by bailiffs, &c.**

Every deputy bailiff and officer of a sheriff or under-sheriff, and every other person who has authority or takes upon himself<sup>F19</sup> . . . , or to intermeddle with the execution of writs issued by any court of record, shall before he does so make a declaration<sup>F20</sup> . . . in the form in the Second Schedule to this Act, or to the like effect before any judge of the High Court or justice of the peace for the county<sup>F21</sup> . . . in which he exercises such authority.

**Textual Amendments**

- F19** Words repealed by [Courts Act 1971 \(c. 23\), Sch. 11 Pt. I](#)
- F20** Words repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\), s. 1\(1\), Sch. 1 Pt. V](#)
- F21** Words repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

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**Modifications etc. (not altering text)**

**C15** S. 26 modified by [Administration of Justice Act 1964 \(c. 42\)](#), s. 19(4)

**27 Sale of offices prohibited.**

- (1) A person shall not directly or indirectly by himself or by any person in trust for him or for his use buy, sell, let, or take to form the office of under-sheriff, deputy-sheriff, bailiff, or any other office or place appertaining to the office of sheriff, nor contract for, promise, or grant for any valuable consideration whatever any such office or place, nor give, promise, or receive any valuable consideration whatever for any such office or place.
- (2) Any person who acts in contravention of this section, not being an under-sheriff, deputy-sheriff, bailiff, or officer of a sheriff, shall be liable to the same punishment as if he were an under-sheriff, deputy-sheriff, bailiff, or officer.
- (3) Provided that this section shall not prevent the sheriff or under-sheriff from demanding and taking the lawful fees and perquisites of the office of sheriff or of any place or employment belonging thereto, nor from taking security for duly answering for the same, and shall not prevent any officer of a sheriff from accounting to the sheriff for the fees and perquisites received by him in respect of his office, nor from giving security so to account, and shall not prevent a sheriff from giving nor an officer from receiving a salary or remuneration for the execution of his office.

*Outgoing Sheriff*

**28 Outgoing sheriff to turn over prisoners and process to incoming sheriff.**

- (1) Every sheriff shall at the expiration of his term of office make out and deliver to the incoming sheriff a correct list and account under his hand of all prisoners in his custody and of all rolls and writs in his hands not wholly executed by him, with all such particulars as may be necessary to explain to the incoming sheriff the several matters intended to be transferred to him, and shall thereupon turn over and transfer to the custody of the incoming sheriff all such prisoners rolls and writs, and all records, books, and matters appertaining to the office of sheriff.
- (2) The incoming sheriff shall thereupon sign and give to the outgoing sheriff a duplicate of such list and account, which shall be a good and sufficient discharge to him of and from all the prisoners therein mentioned and the execution of the writs and other matters therein contained; and thereupon the incoming sheriff shall stand charged with the said prisoners and with the execution and care of the said rolls, writs, and other matters contained in the said list and account.
- (3) A sheriff shall not be called upon to make a return of any writ after the expiration of six months from the date at which he ceases to hold office.

**Modifications etc. (not altering text)**

**C16** S. 28(1)(2) amended (12.4.1994) by [S.I. 1994/867](#), reg. 21(4)

**C17** S. 28(1)(2) applied (with modifications) (1.4.1997) by [S.I. 1996/2915](#), art. 7(3)(4)

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## Miscellaneous

### 29 Punishment for misconduct.

- (1) If a person being a sheriff, under-sheriff, bailiff, or officer of a sheriff . . . <sup>F22</sup>, does any of the following things, that is to say—

- (a) . . . . . <sup>F23</sup>  
(c) lets go at large a prisoner who is not bailable; or  
(d) is guilty of an offence against or breach of the provisions of this Act,

he shall (without prejudice to any other punishment under the provisions of this Act) be guilty of a misdemeanour, and be liable on conviction to imprisonment for a term not exceeding one year and to pay a fine, or if he has not wherewith to pay a fine, to imprisonment for a term not exceeding three years.

- (2) If any person being either a sheriff, under-sheriff, bailiff, or officer of a sheriff, or being employed in levying or collecting debts due to the Crown by process of any court, or being an officer to whom the return or execution of writs belongs, does any of the following things, that is to say—

- (a) withholds a prisoner bailable after he has offered sufficient security; or  
(b) . . . . . <sup>F24</sup>  
(c) grants a warrant for the execution of any writ before he has actually received that writ; or  
(d) is guilty of any offence against or breach of the provisions of this Act, or of any wrongful act or neglect or default in the execution of his office or of any contempt of any superior court;

he and any person procuring the commission of any such offence shall, without prejudice to any other punishment under the provisions of this Act, but subject as herein-after mentioned, be liable—

- (i) to be punished by the court as herein-after mentioned; and  
(ii) to forfeit two hundred pounds, and to pay all damages suffered by any person aggrieved,

and such forfeiture and damages may be recovered by such person as a debt by an action in Her Majesty's High Court.

- (3) Any of the following courts, that is to say, Her Majesty's High Court, . . . <sup>F25</sup>, or any judge of any of the said courts, also where the alleged offence has been committed in relation to any writ issued out of any other court of record than those above-mentioned, the court out of which such writ issued, may on complaint made of any such offence as aforesaid having been committed and on proof on oath given by the examination of witnesses or by affidavit or on interrogatories of the commission of the alleged offence, and after hearing anything which the alleged offender may urge in his defence (which evidence and hearing may be taken and had in a summary manner) punish the offender or cause proceedings to be taken for his punishment in like manner as a person guilty of contempt of the said court may be punished.

- (4) The court may order the costs of or occasioned by any such complaint to be paid by either party to the other and an order by the High Court in any such summary proceeding to pay any costs, damages, or penalty shall be of the same effect as a judgment of the High Court, and may be enforced accordingly.

- (5) Any of the said courts being a superior court of record may also proceed for and deal with such offence in like manner as for any contempt of such court.

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- (6) If any person not being an under-sheriff, bailiff, or officer of a sheriff, assumes or pretends to act as such . . . <sup>F26</sup>, he shall be guilty of contempt of Her Majesty's High Court, and be liable to be punished in manner provided by this section as if he were an under-sheriff guilty of a contempt of such court.
- (7) Any proceeding in pursuance of this section against a sheriff, under-sheriff or any other person to whom this section applies shall be taken within two years after the alleged offence was committed and not subsequently, and if the proceeding is in a summary manner shall be taken before the end of the sittings of the court held next after the offence was committed and not subsequently.
- (8) Nothing in this section shall render a person liable to be punished twice in respect of the same offence, but if any proceeding is taken against a person under this section for any offence the court or judge may postpone or stay such proceeding and direct any other available proceeding to be taken for punishing such offence.

#### Textual Amendments

- F22** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**
- F23** [S. 29\(1\)\(a\)\(b\)](#) repealed by [Criminal Law Act 1967 \(c. 58\)](#), **Sch. 3 Pt. III**
- F24** [S. 29\(2\)\(b\)](#) repealed by [Theft Act 1968 \(c. 60\)](#), **Sch. 3 Pt. I**
- F25** Words repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV**
- F26** Words repealed by [Theft Act 1968 \(c. 60\)](#), **Sch. 3 Pt. I**

### 30 Filing and exemption from duty of declaration of office.

- (1) Every declaration of office made under this Act by a sheriff of a county or his under-sheriff shall . . . <sup>F27</sup> be transmitted to the clerk of the peace for the county, and be by him filed among the records of his office.
- (2) For filing such declaration the clerk of the peace shall be entitled to demand and receive from such sheriff or under-sheriff such fee as may be from time to time fixed in pursuance of the enactments relating to fees of clerks of the peace, and until any fee is so fixed a fee of [<sup>F28</sup>25p].

#### Textual Amendments

- F27** Words repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#), s. 1(1), **Sch. 1 Pt. V**
- F28** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), **s. 10(1)**

#### Modifications etc. (not altering text)

- C18** References to clerk of the peace for the county to be construed as references to proper officer of county council: [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 1** and [Local Government Act 1972 \(c. 70\)](#), **Sch. 29 Pt. I para. 4(1)(b)**
- C19** [S. 30](#) modified by [Administration of Justice Act 1964 \(c. 42\)](#), **s. 19(4)**

*Status: Point in time view as at 01/04/1996.*  
*Changes to legislation: There are currently no known outstanding effects for the Sheriffs Act 1887. (See end of Document for details)*

### *Application of Act in Special Cases*

## **31 Application of Act to Westmoreland and Wales.**

Save as otherwise expressly provided by this or any other Act the law relating to sheriffs, inclusive of this Act . . . <sup>F29</sup> shall extend to the Counties Palatine, to the county of Westmoreland, and each county in Wales in the same manner in all respects as to other counties in England, and the respective sheriffs of the above-mentioned counties, shall have the like powers, duties, jurisdiction, and liabilities, as the sheriff of any other county in England.

#### **Textual Amendments**

**F29** Words repealed by [Representation of the People Act 1948 \(c. 65\)](#), [Sch. 13](#)

<sup>F30</sup>**32** .....

#### **Textual Amendments**

**F30** [S. 32](#) repealed by [S.I. 1964/366](#), [Sch. 11](#)

## **33 Saving for privileges of city of London and approval of election of sheriffs of London.**

- (1) Nothing in this Act shall affect the privilege of the mayor, commonalty, and citizens of the city of London to elect the . . . <sup>F31</sup> sheriffs of London.
- (2) Unless otherwise directed by order of Her Majesty in Council, warrants signifying the approval by Her Majesty of the election of the . . . <sup>F31</sup> sheriffs of London shall be prepared under the seal of the Chancellor of the Exchequer at the central office of the Supreme Court, which warrants may be delivered to the said sheriffs or their duly authorised agents without fee on the thirtieth day of September or between that day and the twelfth day of November in every year, and an entry of the grant of such warrants shall be made on the roll of the court, and unless such warrant be stayed by order of Her Majesty in Council on or before the said thirtieth day of September, the election of such . . . <sup>F31</sup> sheriffs shall be deemed to be approved by Her Majesty.
- (3) All warrants and documents relating to the said . . . <sup>F31</sup> sheriffs which heretofore have been filed and recorded in the central office of the Supreme Court shall continue to be so filed and recorded.
- (4) Save as aforesaid and save as regards the maintenance of men servants and the duration of office, this Act shall apply to the . . . <sup>F31</sup> sheriffs of London in like manner as to any other sheriff.

#### **Textual Amendments**

**F31** Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

*Status: Point in time view as at 01/04/1996.*  
*Changes to legislation: There are currently no known outstanding effects for the Sheriffs Act 1887. (See end of Document for details)*

F32 34 .....

Textual Amendments  
F32 S. 34 repealed by Local Government Act 1972 (c. 70), Sch. 30

F33 35 .....

Textual Amendments  
F33 S. 35 repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

F34 36 .....

Textual Amendments  
F34 S. 36 repealed by Local Government Act 1972 (c. 70), Sch. 30

37 Saving for Duchy of Cornwall.

Nothing in this Act shall be prejudicial to the rights of the Crown in right of the Duchy of Cornwall, or to the Duke of Cornwall when there is a Duke of Cornwall.

Definitions and Repeal

38 Definitions.

In this Act unless the context otherwise requires—

[F35The expression “county”, in relation to England, means, subject to the provisions of Schedule 2A to this Act, a county for the purposes of the Local Government Act 1972;]

..... F36

The expression “writ” includes any process.

..... F37

[F38Any reference to a justice of the peace for a county shall be construed in relation to any area in England [F39and Wales] outside Greater London as a reference to a justice of the peace for a commission area (as defined in section 1 of the Justices of the Peace Act 1979) comprising the whole or any part of that county.]

Textual Amendments

F35 Words in s. 38 inserted (1.4.1996) by S.I. 1995/1748, reg. 8(1)(a)

F36 Definitions of “Treasury” and “county” repealed by Statute Law Revision Act 1908 (c. 49) and Local Government Act 1972 (c. 70), Sch. 30

F37 Definition of “quarter sessions” repealed by Statute Law Revision Act 1908 (c. 49)

*Status: Point in time view as at 01/04/1996.*  
*Changes to legislation: There are currently no known outstanding effects for the Sheriffs Act 1887. (See end of Document for details)*

- F38** Words in s. 38 inserted (1.4.1996) by S.I. 1996/674, reg. 2, Sch. Pt. II para. 3  
**F39** Words in s. 38 inserted (1.4.1996) by S.I. 1996/675, art. 2, Sch. Pt. II para. 3

### 39 Repeal.

F40

- (1) This repeal shall not affect,—
- (a) anything duly done or suffered under any enactment hereby repealed; or
  - (b) any right acquired, or obligation or liability incurred under any enactment hereby repealed; or
  - (c) the right of any city or borough under any charter; or
  - (d) any such power, right, privilege, obligation, liability, or duty of any sheriff or officer of a sheriff as exists by common law at the passing of this Act; or
  - (e) any penalty or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
  - (f) any legal proceeding or remedy in respect of any such right, obligation, liability, power, right, privilege, duty, penalty or punishment as aforesaid; and any such legal proceeding and remedy may be carried on and had as if this Act had not been passed; and
- (2) This repeal shall not revive or restore any jurisdiction, office, duty, franchise, liberty, custom, privilege, practice, or procedure, or other matter or thing not existing or in force; and
- (3) F41
- (4) Any warrant, order, rules, or other matter or thing made in pursuance of any enactment hereby repealed shall continue and be of the same effect as if made in pursuance of this Act; and
- (5) Any fees or poundage authorised to be taken by or in pursuance of any enactment hereby repealed may continue to be taken until altered in pursuance of this Act.

#### Textual Amendments

- F40** Words repealed by Statute Law Revision Act 1908 (c. 49)  
**F41** S. 39(3) repealed by Statute Law Revision Act 1966 (c. 5)

#### Modifications etc. (not altering text)

- C20** “This repeal” means repeal of enactments specified in Sch. 3 to this Act.

### 40 Savings for courts leet, &c.

F42

- (1)
- (2) Where any enactment repealed by this Act applied to any coroner, escheator, or other officer, he shall continue to be governed by such enactment in like manner as if it had not been repealed; Provided that any enactment of this Act which is substituted as regards a sheriff or sheriff's officer for the enactment so repealed, shall apply to such coroner, escheator, or officer, in lieu of the enactment so repealed.

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#### Textual Amendments

**F42** S. 40(1) repealed by [Administration of Justice Act 1977 \(c. 38\)](#), **Sch. 5 Pt. V**



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## SCHEDULES

### THE FIRST SCHEDULE

Section 6 (2).

#### FORM OF WARRANT APPOINTING SHERIFF

At the Court at the day of present the Queen's most Excellent Majesty in Council.

To *A.B.*, of

Whereas Her Majesty was this day pleased, by and with the advice of Her Privy Council, to nominate you for and appoint you to be sheriff of the county of during Her Majesty's pleasure:

These are therefore to require you to take the custody and charge of the said county, and duly to perform the duties of sheriff thereof during Her Majesty's pleasure, whereof you are duly to answer according to law.

Dated this day of

By Her Majesty's command.

### THE SECOND SCHEDULE

Sections 7(1), 23(3).

#### DECLARATION OF SHERIFF AND UNDER SHERIFF

I, *A.B.*, of , in the county of do solemnly declare that I will well and truly serve the Queen's Majesty \*[and also his Royal Highness Duke of Cornwall] in the office of sheriff/under sheriff of the county of and promote Her Majesty's \*[and his Royal Highness's] profit in all things that belong to my office as far as I legally can or may; I will truly preserve the Queen's rights \*[and the rights of his Royal Highness] and all that belongeth to the Crown \*[or Duchy of Cornwall]; I will not assent to decrease, lessen, or conceal the rights of the Queen <sup>F43</sup>...\*[or the rights of his Royal Highness, <sup>F43</sup>...]; and whenever I shall have knowledge that the rights of the Crown \*[or Duchy] are concealed or withdrawn in any matter or thing I will do my utmost to make them be restored to the Crown \*[or Duchy] again; and if I may not do it myself I will inform the Queen \*[or his Royal Highness] or some of Her Majesty's judges thereof; I will not respite or delay to levy the Queen's debts for any gift promise reward or favour where I may raise the same without great grievance to the debtors; I will do right as well to poor as to rich in all things belonging to my office; I will do no wrong to any man for any gift reward or promise nor for favour or hatred; I will disturb no man's right, and will truly and faithfully acquit at the Exchequer all those of whom I shall receive any debts or sums or money belonging to the Crown \*[or Duchy]; I will take nothing whereby the Queen \*[or his Royal Highness] may lose or whereby her \*[or his] right may be disturbed injured or delayed; I will truly return and truly serve all the Queen's writs according to the best of my skill and knowledge; [I will take no bailiffs into my service but such as I will answer for;]†I will truly set and return reasonable and due issues of them that be within my bailiwick according to their estate and circumstances, and make due pannels of persons able and sufficient and not suspected or procured as is appointed by the statutes of this realm; [I have not sold or let to farm, nor contracted for, nor have I granted or promised for

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reward or benefit, nor will I sell or let to farm nor contract for or grant for reward or benefit by myself or any other person for me or for my use directly or indirectly my sheriffwick or any bailiwick thereof or any office belonging thereunto or the profits of the same to any person or persons whatsoever;]††I will truly and diligently execute the good laws and statutes of this realm, and in all things well and truly behave myself in my office for the honour of the Queen \*[and his Royal Highness] and the good of her subjects, and discharge the same according to the best of my skill and power.

#### Textual Amendments

**F43** Words repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1, [Sch. 1 Pt. XII](#)

\*The words within square brackets to be added in case of the Duchy of Cornwall.†In the case of under-sheriffs, omit the words between brackets.††In the case of under-sheriffs, omit the words between brackets, and say: [“I have not bought purchased or taken to farm or contracted for nor have I promised or given any consideration nor will I buy purchase or take to farm or contract for promise or give any consideration whatsoever by myself or any other person for me or for my use directly or indirectly to any person whomsoever for the office of under-sheriff of the county of which I am now to enter upon and enjoy, nor for the profits of the same nor for any bailiwick thereof or any other place or office belonging thereunto; I have not sold nor contracted for or let to farm, nor have I granted or promised for reward or benefit by myself or any other person for me or for my use directly or indirectly any bailiwick thereof or any other place or office belonging thereunto.”]

#### *FORM OF DECLARATION FOR BAILIFF, DEPUTY, OR OFFICER OF SHERIFF*

#### Section 26

I, *A.B.*, do hereby solemnly and sincerely declare that I will not use or exercise the office of corruptly during the time that I shall remain therein <sup>F44</sup>. . .

#### Textual Amendments

**F44** Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. I](#)

#### [<sup>F45</sup>SCHEDULE 2A

Section 38]

#### MEANING OF “COUNTY”

#### Textual Amendments

**F45** Sch. 2A inserted (1.4.1996) by [S.I. 1995/1748](#), [reg. 8\(1\)\(b\)](#)

[<sup>F46</sup>For the purposes of this Act, the counties or parts of counties specified in column (2) of the following Table shall be deemed to form one county known by the name specified in respect of those counties or parts in column (1) of the Table—

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TABLE

(1)	(2)
Durham	Durham and Hartlepool and so much of the county of Stockton-on-Tees as lies north of the line for the time being of the centre of the River Tees
The East Riding of Yorkshire	The East Riding of Yorkshire and Kingston upon Hull (City of)
Gloucestershire	Gloucestershire and South Gloucestershire
Lincolnshire	Lincolnshire, North Lincolnshire and North East Lincolnshire
North Yorkshire	North Yorkshire, Middlesbrough, Redcar and Cleveland and York and so much of the county of Stockton-on-Tees as lies south of the centre for the time being of the river Tees
Somerset	Somerset, Bath and North East Somerset and North West Somerset]

**Textual Amendments**

**F46** Sch. 2A inserted (1.4.1996) by S.I. 1995/1748, reg. 8(1)(b)

<sup>F47</sup>THIRD SCHEDULE

**Textual Amendments**

**F47** Sch. 3 repealed by Statute Law Revision Act 1908 (c. 49)

**Status:**

Point in time view as at 01/04/1996.

**Changes to legislation:**

There are currently no known outstanding effects for the Sheriffs Act 1887.