



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **SHERIFFS ACT**

## PLEASE NOTE

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## SHERIFFS ACT

### CHAPTER S-4.1

#### 1. Definitions

In this Act

- (a) “**Minister**” means the Minister of Justice and Public Safety and Attorney General;
- (b) “**process**” includes any writ, petition, warrant, subpoena, notice or order issued for the purpose of any legal proceeding;
- (c) “**Registrar**” means the Registrar of the Court of Appeal and the Supreme Court appointed, or deemed to be appointed, under subsection 28(1) of the *Judicature Act* R.S.P.E.I. 1988, Cap. J-2.1. 1990, c.60, s.1; 1991, c.38, s.1; 1993, c.29, s.4; 1997,c.20,s.3; 2000,c.5,s.3; 2008,c.20,s.72(84); 2010,c.14,s.3; 2012,c.17,s.2; 2015,c.43,s.1.

#### 2. Appointment of sheriffs

- (1) There may be appointed pursuant to the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8,
  - (a) a sheriff for Queens County;
  - (b) a sheriff for Prince County;
  - (c) a sheriff for Kings County;
  - (d) such other employees as are considered necessary to enable the sheriffs to carry out their duties.

##### Chief Sheriff

- (2) The Minister may designate one of the persons referred to in subsection (1) as Chief Sheriff who shall be responsible for the administration and supervision of sheriff services in the province.

##### Deputy sheriffs

- (3) The Minister may appoint one or more persons as a deputy sheriff and assist a sheriff in the performance of his functions, and any person so appointed shall have all the powers and authority of a sheriff.

##### Oath of office

- (4) A sheriff and a deputy sheriff shall take an oath of office in such form as the Registrar may direct. 1990, c.60, s.2; 1991, c.38, s.2; 1993, c.29, s.4; 2015,c.43,s.2.

#### 3. Officer of court

- (1) A sheriff is an officer of all the courts in the province.

**Jurisdiction**

- (2) A sheriff, notwithstanding subsection 2(1), shall have jurisdiction throughout the province. *1990, c.60, s.3.*

**4. Functions**

- (1) A sheriff shall
- (a) serve any process for the purposes of a proceeding before the courts;
  - (b) execute any order of the court and attach or seize any property pursuant to such order;
  - (c) where so appointed under the *Court Security Act* R.S.P.E.I. 1988, Cap. C-27.1, act as a security officer;
  - (d) perform such other functions as the Registrar may direct.

**Directions**

- (2) The Registrar may give directions to a sheriff with respect to the performance of his functions. *1990, c.60, s.4; 1991, c.38, s.2.*

**5. Costs, service by other persons**

Repealed by *1998, c.8, s.1.*

**6. Responsibility of solicitor for costs**

A solicitor or other agent whose name appears on any process served by a sheriff is responsible to the sheriff for payment of the fees and expenses of service. *1990, c.60, s.6.*

**7. Costs in advance**

A sheriff is not required to effect execution or seizure under any process unless, where demanded by him, all reasonably anticipated costs of the process are first paid to the sheriff, or an undertaking satisfactory to him is given by the person initiating the process. *1990, c.60, s.7.*

**8. Records**

Each sheriff shall maintain a complete record of all fees received and expenses incurred in the execution of his functions and shall submit a written account thereof to the Registrar at such intervals as the Registrar may determine. *1990, c.60, s.8; 1991, c.38, s.2.*

**9. Offences**

- (1) No sheriff shall, directly or indirectly,
- (a) demand or receive any reward or fee, other than the fees prescribed under section 10, for performing or not performing his duties;
  - (b) perform any duty in a personal capacity that could be performed in his official capacity;
  - (c) acquire any property disposed of under execution by a sheriff.



**Penalty**

- (2) Any person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$500. *1990, c.60, s.9.*

**10. Fees**

- (1) The fees for services performed by a sheriff shall be those prescribed under the *Court Fees Act* R.S.P.E.I. 1988, Cap. C-27.001.

***Idem***

- (2) Fees received by a sheriff appointed pursuant to subsection 2(1) shall be paid into the Operating Fund. *1990, c.60, s.10; 1997,c.20,s.3; 2012,c.10,s.5.*

**11. Regulations**

The Lieutenant Governor in Council may make regulations. *1990, c.60, s.11.*

**12. Repeal**

Act repealed. *1990, c.60, s.12.*

**13. Transitional**

The persons holding the offices of sheriff for Queens County and sheriff for Prince County on the day this Act comes into force shall continue to hold office and shall be deemed to have been appointed as sheriff for Queens County and Prince County respectively pursuant to subsection 2(1). *1990, c.60, s.13.*