



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **SHERIFFS ACT**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 4, 2020. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

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)).

If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*  
*Tel: (902) 368-4292*  
*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



## SHERIFFS ACT

### CHAPTER S-4.1

#### 1. Definitions

In this Act

- (a) “**Minister**” means the Minister of Justice and Public Safety and Attorney General;
- (a.1) “**personal information**” means personal information as defined in the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01;
- (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;
- (d) “**threat or risk assessment**” means a threat or risk assessment authorized by the Chief Sheriff under subsection 4.1(1) to identify a threat or risk in respect of a person, facility, building or property. *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; 2020, c.82, 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 the sheriff's functions.

**Direction of Registrar**

- (3) Notwithstanding a requirement in an enactment or an order under the *Rental of Residential Property Act* R.S.P.E.I. 1988, Cap. R-13.1, or the *Judgment and Execution Act* R.S.P.E.I. 1988, Cap. J-2, that a sheriff comply with the enactment or execute the order, or otherwise carry out the sheriff's functions, on a specified date or within a specified period of time, the Registrar may vary the date or extend the period of time where those functions are or may be affected by
- (a) a state of emergency or local emergency that has been declared under the *Emergency Measures Act* R.S.P.E.I. 1988, Cap. E-6.1;
  - (b) a state of public health emergency that has been declared under the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1; or
  - (c) considerations respecting the safety and well-being of the sheriff based on a threat or risk assessment. *1990, c.60, s.4; 1991, c.38, s.2; 2020, c.82, s.2.*

**4.1 Conducting threat or risk assessment**

- (1) A sheriff may, where authorized by the Chief Sheriff, conduct a threat or risk assessment to identify a threat or risk in respect of a person, facility, building or property in relation to which the sheriff has a function referred to in subsection 4(1).

**Authorization to collect information**

- (2) For the purpose of conducting a threat or risk assessment, a sheriff may collect information about a person, including personal information, and information about a facility, building or property.

**Collection of information**

- (3) For greater certainty, a sheriff may collect personal information about a person that is
- (a) in the custody or control of a police service or any other law enforcement agency;

- (b) in the custody or control of the Director of Correctional Services pursuant to the *Correctional Services Act* R.S.P.E.I. 1988, Cap. C-26.1; or
- (c) contained in the Canadian Police Information Centre database.

**Submission of assessment**

- (4) On completion of the threat or risk assessment authorized under subsection (1), the sheriff shall submit it to the Chief Sheriff and the Registrar for their consideration. *2020, c.82, s.3.*

**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 the sheriff, all reasonably anticipated costs of the process are first paid to the sheriff, or an undertaking satisfactory to the sheriff is given by the person initiating the process. *1990, c.60, s.7; 2020, c.82, s.4.*

**8. Records**

Each sheriff shall maintain a complete record of all fees received and expenses incurred in the execution of the sheriff's functions and shall submit a written account of them to the Registrar at such intervals as the Registrar may determine. *1990, c.60, s.8; 1991, c.38, s.2; 2020, c.82, s.5.*

**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 the sheriff's duties;
  - (b) perform any duty in a personal capacity that could be performed in the sheriff's 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; 2020, c.82, s.6.*

**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.*