



# Sheriffs Act 1887

1887 CHAPTER 55 50 and 51 Vict

## *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 of the Duchy of Cornwall, but the person holding the office shall, unless sooner removed or superseded, continue in office for the remainder of his term, in like manner as if such demise had not taken place.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- F1** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 1 Pt.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)**

- C1** [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.

*Changes to legislation: There are currently no known outstanding effects for the Sheriffs Act 1887, Cross Heading: Appointment and Qualification. (See end of Document for details)*

### 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**F3** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**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, <sup>F4</sup>... <sup>F5</sup>... 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 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>F6</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>F7</sup>...

### Textual Amendments

**F4** Words in s. 6(1) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 145, 146, 148, Sch. 17 para. 4, **Sch. 18 Pt. 4**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 28, 30(d)

**F5** Words in s. 6(1) repealed (19.11.1998) by [1998 c. 43](#), s. 1(1), **Sch. 1 Pt. I** Group 1

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**Changes to legislation:** There are currently no known outstanding effects for the Sheriffs Act 1887, Cross Heading: Appointment and Qualification. (See end of Document for details)

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- F6** 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**
- F7** Words repealed by Statute Law Revision Act 1908 (c. 49)

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

- C2** 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)**
- C3** 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 [<sup>F8</sup> effect—
- (a) before one of the judges of Her Majesty's High Court; or
  - (b) in the county of which he is sheriff before a justice of the peace.]

- <sup>F8</sup>(2) Every sheriff shall continue to be and act as sheriff until his successor has made the said declaration and entered upon office.

**Textual Amendments**

- F8** S. 7(1)(a)(b) and preceding word substituted (1.4.2005) for words by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 58**; S.I. 2005/910, art. 3(y)

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

- C4** S. 7(1) modified by Administration of Justice Act 1964 (c. 42), s. 19(4)

**Changes to legislation:**

There are currently no known outstanding effects for the Sheriffs Act 1887, Cross Heading: Appointment and Qualification.