



Sheriffs Act 1887

1887 CHAPTER 55

Miscellaneous

29 Punishment for misconduct

(1) If a person being a sheriff, under-sheriff, bailiff, or officer of a sheriff, whether within a franchise or without, does any of the following things, that is to say—

- (a) conceals or procures the concealment of any felon ; or
- (b) refuses to arrest any felon in his bailiwick; or
- (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 misdemeanor, 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) takes or demands any money or reward under any pretext whatever other than the fees or sums allowed by or in pursuance of this or any other Act; or
- (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

Status: This is the original version (as it was originally enacted).

- (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 of Justice.
- (3) Any of the following courts, that is to say, Her Majesty's High Court of Justice, any court of assize, oyer and terminer or gaol delivery, 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 T)n interrogatories of the commission of the alleged offence, and after hearing any thing 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 of Justice 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.
- (6) If any person not being an under-sheriff, bailiff, or officer of a sheriff, assumes or pretends to act as such, or demands or takes any fee or reward under colour or pretext of such office, he shall be guilty of contempt of Her Majesty's High Court of Justice, 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.

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 be exempt from stamp duty and 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 five shillings.