



# Sheriffs Act 1887

## 1887 CHAPTER 55

### *Powers, Duties, and Liabilities*

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

- (1) Every person in a county shall be ready and appalled at the command of the sheriff and at the cry of the country to arrest a felon whether within a franchise or without, and in default shall on conviction be liable to a fine, and if default be found in the lord of the franchise he shall forfeit the franchise to the Queen, and if in the bailiff he shall be liable besides the fine to imprisonment for not more than one year, or if he have not whereof to pay the fine, than two years.
- (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.

#### **9 Duties at assizes**

In the time of the assizes a court of quarter sessions in the county may direct a sufficient number of police constables to be employed to keep order in and within the precincts of the court of assize, and the chief constable shall comply with such direction, but if such direction is not given the sheriff shall have a sufficient number of men servants in liveries attending upon him for the purpose of so keeping order and of protecting the judges of assize.

#### **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.
- (2) A sheriff shall not return to a writ that he has delivered it to a bailiff of some liberty not heretofore recorded in the Exchequer.

**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.
- (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.

**12 Duties as to return of jurors**

A sheriff or any officer of a sheriff shall not return in any panel for an inquest or jury any officer or servant of the sheriff or of such officer.

**13 Duties as to execution of judgment of death**

- (1) Where judgment of death has been passed upon a convict at any court of assize or any sessions of oyer and terminer or gaol delivery held for any county or riding or division or other part of a county, the sheriff of such county shall be charged with the execution of such judgment, and may carry such judgment into execution in any prison which is the common gaol of his county or in which the convict was confined for the purpose of safe custody prior to his removal to the place where such court was held, and shall, for the purpose of such execution, have the same jurisdiction and powers over and in the prison in which the judgment is to be carried into execution, whether such prison is or is not situate within his county, and over the officers of such prison, as he has by law over and in the common gaol of his county and the officers thereof, or would have had if the Prison Act, 1865, and the Prison Act, 1877, had not passed, and shall be subject to the same responsibility and duties as if the said Acts had not passed.
- (2) This section shall be in addition to and not in derogation of any power authorised to be exercised by Order in Council under the Winter Assizes Act, 1876, and the Spring Assizes Act, 1879, or either of them, and of the provisions of the Central Criminal Court (Prisons) Act, 1881.

**14 Duties on arrest of civil debtors**

- (1) Where an officer being a sheriff, under-sheriff, bailiff, serjeant-at-mace, or other officer whatsoever arrests or has in custody any person by virtue of any action, writ, or attachment for debt, such officer shall not—
  - (a) convey such person without his free consent to any house licensed for the sale of intoxicating liquor, or to the private house of such officer or of any tenant or relation of such officer ; nor
  - (b) charge such person with any sum for, or procure him to call or pay for, any liquor, food, or thing whatsoever, except what he freely asks for ; nor
  - (c) take such person to any prison within twenty-four hours of the time of his arrest, unless such person refuses to be carried to some safe and convenient dwelling-house of his own nomination, not being the private dwelling-house

of such person, and being within the borough or town where such person was arrested, or if he was not arrested within a borough or town then within three miles of the place and in the county or franchise in which he was arrested ;

but shall at all times permit such person to send for and to have brought to him at reasonable times in the day any food or liquor from what place he thinks fit, and also to have and use such bedding, linen, and other necessary things as he has occasion for or is supplied with, and shall not purloin or detain the same or require any payment for the use thereof or restrict the use thereof.

- (2) Every court of quarter sessions in a county shall from time to time make an order allowing sums which may be taken from prisoners arrested in such county on any action, writ, or attachment, in respect of one or more nights lodging or for a day's diet or for other expenses of such person, and may from time to time vary such order as seems expedient.
- (3) A copy of every such order signed by the clerk of the peace shall be fixed in some conspicuous place in the sessions house or other proper place of the county as the court may order, so that the same may be there seen and examined as occasion may require.
- (4) For the purpose of making known the provisions of this section a printed copy thereof shall be delivered by every sheriff, under-sheriff, secondary of the City of London, and other person entrusted with causing the execution of any writ or attachment, to the bailiff, serjeant-at-mace, officer, or other person employed to execute the same,
- (5) It shall be part of the conditions of every security given to any sheriff, or under-sheriff, by any bailiff, serjeant-at-mace, officer, or other person employed to execute any writ or attachment under him that such bailiff, serjeant-at-mace, officer, and other person will show a printed copy of this section to every person whom he arrests and goes with to any house where intoxicating liquor is sold, and also will permit such person or his friend to read over such copy before any liquor or food is called for or brought to him, and any breach by such bailiff, serjeant-at-mace, officer, or person of such condition shall be a misdemeanor in the execution of the writ or attachment, besides being a breach of the conditions of the security.

## **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 nonperformance of a judgment or order of the High Court of Justice, 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 Prison Act, 1877.

**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.

**18 Holding of courts**

- (1) A sheriff shall not be bound to hold a county court except where the holding of such court is required for the purpose of an election or of the due execution of some writ or for any other specific purpose, in which case he shall hold a court at the time fixed for such purpose by law or by such writ, or if no time is so fixed, as soon as is reasonably practicable after he is informed of the necessity for holding such court, or receives such writ, and where more than one court is required to be held for any such purpose, he shall hold courts at intervals not exceeding one month from each other.
- (2) A sheriff's county court shall be held at the place heretofore appointed or authorised by law, or at such other place as the sheriff may from time to time fix with the consent of the authority having for the time being power to divide the county into polling districts for the purpose of parliamentary elections.
- (3) A sheriff shall not hold pleas of the Crown; and shall not under any commission or writ take any inquest whereby any person is indicted.
- (4) The sheriff's tourn is hereby abolished.

**19 Letting of county**

- (1) A hundred or wapentake shall not as respects the powers and duties of sheriffs be severed from the county.
- (2) A sheriff shall not let to farm his county or any part thereof.

**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 one shilling and sixpence in the pound for every sum not exceeding one hundred pounds, and of one shilling 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 of Justice, 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 sheriff 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.

- (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 of Justice may on application determine, having regard to the expense and trouble that each sheriff had.