



# Sheriffs Act 1887

1887 CHAPTER 55 50 and 51 Vict

## *Under-Sheriff and Officers*

### **23 Obligation to appoint under-sheriff and declaration of office by under-sheriff.**

(1) Every sheriff shall within one month after the notification of his appointment in the London Gazette by writing under his hand appoint some fit person to be his under-sheriff, and shall transmit a duplicate of such written appointment to the clerk of the peace for the county which shall be filed by him among the records of his office.

<sup>F1</sup>(2) .....

(3) Every under-sheriff shall before he enters on the execution of his office make a declaration in the form in the Second Schedule to this Act or to the like [<sup>F2</sup> effect—  
(a) before one of the judges of Her Majesty's High Court; or  
(b) in the county for which such under-sheriff is appointed before a justice of the peace.<sup>F2</sup>]

#### **Textual Amendments**

**F1** S. 23(2) repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. I** Group 1

**F2** S. 23(3)(a)(b) and preceding word substituted (1.4.2005) for words by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 60**; S.I. 2005/910, **art. 3(y)**

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

**C1** S. 23 amended by Local Government Act 1972 (c. 70), **s. 219(5)**

**C2** References to clerk of the peace for the county to be construed as references 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. 23(1)(3) 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: Under-Sheriff and Officers. (See end of Document for details)*

## 24 **Obligation to appoint deputy resident in London.**

Every sheriff shall appoint a sufficient deputy, who shall be resident or have an office within one mile from the Inner Temple Hall, for the receipt of writs, the granting of warrants thereon, the making of returns thereto, and the acceptance of all rules and orders to be made on or touching the execution of any process or writ to be directed to such sheriff.

## 25 **Execution of office by under-sheriff on death or suspension of sheriff.**

- (1) Where the sheriff of a county dies before the expiration of his year of office or before he is lawfully superseded, the under-sheriff by him appointed shall nevertheless continue in office and shall until another sheriff be appointed for the said county and has made the declaration of office, execute the office of sheriff, in the name of the deceased sheriff, and be answerable for the execution of the said office as the deceased sheriff would by law have been if living; and the security given to the sheriff so deceased by the said under-sheriff and his pledges shall remain and be a security to the Crown and to all persons whomsoever for such under-sheriff's due execution of the offices of sheriff and under-sheriff.
- (2) When it becomes the duty of an under-sheriff to act as sheriff under the provisions of this section he may by writing under his hand appoint a deputy.

### Modifications etc. (not altering text)

- C4 S. 25 amended by [Local Government Act 1972 \(c. 70\), s. 40\(4\)](#)

## 26 **Declaration by bailiffs, &c.**

Every deputy bailiff and officer of a sheriff or under-sheriff, and every other person who has authority or takes upon himself<sup>F3</sup> . . . , or to intermeddle with the execution of writs issued by any court of record, shall before he does so make a declaration<sup>F4</sup> . . . in the form in the Second Schedule to this Act, or to the like [<sup>F5</sup> effect—

- (a) before any judge of the High Court; or
- (b) in the county in which he exercises his authority before a justice of the peace.]

[<sup>F6F5</sup>(2) Subsection (1) does not apply to any enforcement officer or any person acting under the authority of an enforcement officer.<sup>F6</sup>]

### Textual Amendments

- F3 Words repealed by [Courts Act 1971 \(c. 23\), Sch. 11 Pt. I](#)
- F4 Words repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\), s. 1\(1\), Sch. 1 Pt. V](#)
- F5 S. 26(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. 61\(3\)](#); S.I. 2005/910, [art. 3\(y\)](#)
- F6 S. 26(2) inserted (15.3.2004) by [Courts Act 2003 \(c. 39\), ss. 109\(1\), 110, Sch. 8 para. 61\(4\)](#); S.I. 2004/401, [art. 2\(b\)\(iii\)](#) (with art. 3)

### Modifications etc. (not altering text)

- C5 S. 26 modified by [Administration of Justice Act 1964 \(c. 42\), s. 19\(4\)](#)

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

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## **27 Sale of offices prohibited.**

- (1) A person shall not directly or indirectly by himself or by any person in trust for him or for his use buy, sell, <sup>F7</sup> . . . the office of under-sheriff, deputy-sheriff, bailiff, or any other office or place appertaining to the office of sheriff, nor contract for, promise, or grant for any valuable consideration whatever any such office or place, nor give, promise, or receive any valuable consideration whatever for any such office or place.
- (2) Any person who acts in contravention of this section, not being an under-sheriff, deputy-sheriff, bailiff, or officer of a sheriff, shall be liable to the same punishment as if he were an under-sheriff, deputy-sheriff, bailiff, or officer.
- (3) Provided that this section shall not prevent the sheriff or under-sheriff from demanding and taking the lawful fees and perquisites of the office of sheriff or of any place or employment belonging thereto, nor from taking security for duly answering for the same, and shall not prevent any officer of a sheriff from accounting to the sheriff for the fees and perquisites received by him in respect of his office, nor from giving security so to account, and shall not prevent a sheriff from giving nor an officer from receiving a salary or remuneration for the execution of his office.

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### **Textual Amendments**

**F7** Words in s. 27(1) repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. I** Group 1

**Changes to legislation:**

There are currently no known outstanding effects for the Sheriffs Act 1887, Cross Heading: Under-Sheriff and Officers.