



PLEASE NOTE

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For more information concerning the history of this Act, please see the [Table of Public Acts](#).

This document is *not* the official version of the statute printed pursuant to the authority of the [Queen's Printer Act](#) R.S.P.E.I. 1988, Cap. Q-1.

This Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted when determining the authoritative statement of the law.

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CHAPTER S-4.1

SHERIFFS ACT

- 1.** In this Act Definitions
- (a) “Minister” means the Attorney General; Minister
- (b) “process” includes any writ, petition, warrant, subpoena, notice or order issued for the purpose of any legal proceeding; process
- (c) “Registrar” means the Registrar of the Supreme Court; Registrar
- (d) “Rules Committee” means the Rules Committee referred to in section 24 of the *Supreme Court Act* R.S.P.E.I. 1988, Cap. S-10. 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. Rules Committee
- 2.** (1) There may be appointed pursuant to the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8, Appointment of sheriffs
- (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.
- (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. Chief Sheriff
- (3) The Registrar may appoint persons on a temporary or part-time basis to act 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. Deputy sheriffs
- (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. Oath of office
- 3.** (1) A sheriff is an officer of all the courts in the province. Officer of court
- (2) A sheriff, notwithstanding subsection 2(1), shall have jurisdiction throughout the province. 1990, c.60, s.3. Jurisdiction
- 4.** (1) A sheriff shall Functions
- (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 his functions. 1990, c.60, s.4; 1991, c.38, s.2.
Costs, service by other persons	5. Repealed by 1998,c.8,s.1.
Responsibility of solicitor for costs	6. 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.
Costs in advance	7. A sheriff is not required to effect execution or seizure under any process unless, where demanded by him, all reasonably anticipated costs of the process are first paid to the sheriff, or an undertaking satisfactory to him is given by the person initiating the process. 1990, c.60, s.7.
Records	8. Each sheriff shall maintain a complete record of all fees received and expenses incurred in the execution of his functions and shall submit a written account thereof to the Registrar at such intervals as the Registrar may determine. 1990, c.60, s.8; 1991, c.38, s.2.
Offences	9. (1) No sheriff shall, directly or indirectly, <ul style="list-style-type: none"> (a) demand or receive any reward or fee, other than the fees prescribed under section 10, for performing or not performing his duties; (b) perform any duty in a personal capacity that could be performed in his 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.
Fees	10. (1) The fees for services performed by a sheriff shall be such as may be prescribed by the Lieutenant Governor in Council after consultation with the Rules Committee.
<i>Idem</i>	(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.
Regulations	11. The Lieutenant Governor in Council may make regulations. 1990, c.60, s.11.
Repeal	12. Act repealed. 1990, c.60, s.12.

13. 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. Transitional