

*The Committee of Council submit for the consideration of
His Honour the Lieutenant-Governor a Bill intituled*

"**Sheriffs Act**"

*and advise that the same be transmitted by Message to the
Legislative Assembly.*

Victoria, 3rd day of June, A.D. 1976

W. R. Bennett
.....
Presiding Member of the Executive Council.

Approved this 3rd day of June, A.D. 1976

W. S. Owen

.....
Lieutenant-Governor.

WLB-

W.S. Owen

Lieutenant-Governor

First Session, Thirty-first Parliament
25 Elizabeth II, 1976
Legislative Assembly of British Columbia

BILL 56

SHERIFFS ACT

Honourable Attorney-General

Printed by K. M. MacDONALD, Printer to the Queen's Most Excellent Majesty
in right of the Province of British Columbia.
1976

EXPLANATORY NOTE

The purpose of this Bill is to re-enact the *Sheriffs Act* to reflect the fact that sheriffs are now public servants. Obsolete provisions and language have been revised in accordance with current practices.

BILL

No. 56]

[1976

Sheriffs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Inter-
pretation.

1. In this Act
"director" means the director of sheriff services;
"process" includes a writ, petition, warrant, or order issued under the seal of the Court, a Judge's summons or order, a notice, subpoena and other proceeding at law or otherwise.

Staff.

2. (1) There may be appointed, pursuant to the *Public Service Act*, a director of sheriff services, sheriffs, deputy sheriffs and such other employees as may be considered necessary to carry out their duties under this or any other enactment.

(2) Subject to the minister's approval, the director, and a sheriff authorized in writing by the director, may, notwithstanding the *Public Service Act*, appoint persons on a temporary or part-time basis to act as sheriffs for particular purposes specified in their appointment.

Duties of
director.

3. (1) The director is responsible to the minister for the administration of this Act, for the direction of sheriff services generally, and for the establishment and maintenance of programmes for the selection and training of sheriffs and other persons appointed under this Act.

(2) The minister or the director may designate a person to act as director during the director's absence.

(3) The director is a sheriff.

Jurisdiction.

4. The director and each sheriff has jurisdiction throughout the Province to exercise all the powers and perform all the duties imposed on him under this or any other enactment.

Officer
of court.

5. A sheriff is an officer of all of the courts in the Province.

Only
sheriff
to serve.

6. No person other than a sheriff or a person appointed under section 2 (2) shall serve or execute a judgment summons, an order of committal, or writ or warrant of execution issued in respect of a civil matter.

Solicitor
responsible
for sheriff's
costs.

7. A solicitor or other agent whose name appears on any process served by a sheriff is responsible to the sheriff for the fees and expenses of service or execution.

**Sheriff
may require
costs in
advance.**

8. 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.

Offence.

9. (1) No director, sheriff, or other person acting under the authority of the director or a sheriff shall directly or indirectly

- (a) demand or receive any reward for performing or not performing his duties except as permitted by this or any other enactment, or
- (b) purchase or acquire any property disposed of under execution by a sheriff.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to the penalties provided under the *Summary Convictions Act*.

**Employee
to post
bond.**

10. The minister may require any person employed for the purposes of this Act to post a bond pursuant to the *Security Bonding Act* for such amount and in such form as he considers appropriate.

Regulations.

11. The minister may make regulations.

Repeal.

12. The *Sheriffs Act* R.S.B.C., 1960, chapter 355, is repealed.