

South Australia

**SHERIFF'S REGULATIONS 1992**

# REGULATIONS UNDER THE SHERIFF'S ACT 1978

## *Sheriff's Regulations 1992*

being

No. 158 of 1992: *Gaz.* 2 July 1992, p. 236<sup>1</sup>

as varied by

No. 158 of 1993: *Gaz.* 1 July 1993, p. 369<sup>2</sup>

No. 90 of 1994: *Gaz.* 23 June 1994, p. 1798<sup>3</sup>

No. 67 of 1995: *Gaz.* 10 May 1995, p. 2028<sup>4</sup>

No. 241 of 1996: *Gaz.* 14 November 1996, p. 1684<sup>5</sup>

No. 69 of 1997: *Gaz.* 13 May 1997, p. 1845<sup>6</sup>

No. 58 of 1998: *Gaz.* 28 May 1998, p. 2304<sup>7</sup>

No. 127 of 1999: *Gaz.* 24 June 1999, p. 3281<sup>8</sup>

No. 60 of 2000: *Gaz.* 25 May 2000, p. 2716<sup>9</sup>

**No. 237 of 2000: *Gaz.* 28 September 2000, p. 2298<sup>10</sup>**

- <sup>1</sup> Came into operation 6 July 1992: reg. 2.  
<sup>2</sup> Came into operation 1 July 1993: reg. 2.  
<sup>3</sup> Came into operation 1 July 1994: reg. 2.  
<sup>4</sup> Came into operation 1 July 1995: reg. 2.  
<sup>5</sup> Came into operation 14 November 1996: reg. 2.  
<sup>6</sup> Came into operation 1 July 1997: reg. 2.  
<sup>7</sup> Came into operation 1 July 1998: reg. 2.  
<sup>8</sup> Came into operation 1 July 1999: reg. 2.  
<sup>9</sup> Came into operation 1 July 2000: reg. 2.  
<sup>10</sup> **Came into operation 29 September 2000: reg. 2.**

**NOTE:**

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last consolidation.
- For the legislative history of the regulations see Appendix.

3.

## **SUMMARY OF PROVISIONS**

1. Citation
2. Commencement
3. Fees
4. Participating bodies
5. Safe keeping and disposal of items

### **SCHEDULE**

*Fees*

### **APPENDIX**

### **LEGISLATIVE HISTORY**

**Citation**

1. These regulations may be cited as the *Sheriff's Regulations 1992*.

**Commencement**

2. These regulations will come into operation on 6 July 1992.

**Fees**

3. (1) The fees set out in the schedule are payable to the sheriff in relation to proceedings in the Supreme Court, District Court or Magistrates Court.

\* \* \* \* \*

(3) In addition to the fees set out in the schedule, the expenses reasonably incurred by the sheriff in the service of a document or execution of any process are payable to the sheriff including expenses incurred in relation to the following:

- (a) meals while travelling;
- (b) labour and removal of goods;
- (c) cartage;
- (d) storage;
- (e) insurance;
- (f) advertisements;
- (g) seizure and maintenance of animals;
- (h) postage;
- (i) telephone calls;
- (j) engaging assistants;
- (k) engaging auctioneers or agents;
- (l) conducting a sale of land or goods.

(4) The sheriff may require—

- (a) a deposit as security for the payment of fees before commencing any proceeding or at any time during the course of the proceeding;

and

- (b) a written undertaking to pay any further fees which may become payable above the amount of the deposit.

5.

(5) The fee for service of a document or execution of a process is payable despite the document not being served or the process not being executed if—

- (a) the officer who attempted to serve the document or execute the process obtained information about the defendant of value to the plaintiff; or
- (b) the sheriff is satisfied that other special circumstances exist justifying the fee,

and a written report on the results of the attempted service or execution has been provided to the plaintiff.

**Participating bodies**

4. For the purposes of the definition of "**participating body**" in section 4 of the Act, the following are declared to be participating bodies:

- (a) Industrial Relations Commission of South Australia;
- (b) Workers Compensation Tribunal.

**Safe keeping and disposal of items**

5. (1) If a person fails, on leaving the premises of a participating body, to collect items held in safe keeping while the person is on the premises (*see* section 9G(h)(i) of the Act), the sheriff—

- (a) must take reasonable care, for a period of 30 days, of the items (other than perishable items); and
- (b) may, in the sheriff's absolute discretion—
  - (i) in the case of perishable items—destroy or otherwise dispose of the items;
  - (ii) in any other case—destroy or otherwise dispose of the items after taking reasonable care of them for the period referred to in paragraph (a).

(2) The items may be kept at any place considered appropriate by the sheriff and, before an item is released to a person, the person may be required to produce satisfactory evidence of identity and entitlement to the item.

(3) If the items are sold, the net proceeds of the sale must be paid into the Consolidated Account.

**SCHEDULE**  
*Fees*

1. Receiving and entering a writ of summons, notice, order or other document for service in relation to proceedings in the Supreme Court or District Court	\$20.50 per copy
2. Receiving and entering a warrant or other process of execution in relation to proceedings in the Supreme Court or District Court	\$27.50
3. Serving a writ of summons, other summons, claim, notice, order or other document where a written report must be submitted for preparation of an affidavit of service	\$23.50 per copy
4. Serving a writ of summons, other summons, claim, notice, order or other document where a written report need not be submitted for preparation of an affidavit of service	\$18.50 per copy
5. Executing a warrant or other process of execution or making an arrest	\$46
6. Conducting inquiries as necessary before the execution of a warrant or other process of execution	\$23.50
7. Allowance for travelling expenses incurred in the service of a document or execution of any process in relation to proceedings in the Supreme Court or District Court (only one fee is payable on two or more processes served or executed at the same time on the same person or on different persons at the same address)	\$0.75 for each kilometre or part of a kilometre over one kilometre (one way)
8. Allowance for travelling expenses incurred in the service of a document or execution of any process in relation to proceedings in the Magistrates Court (only one fee is payable on two or more processes served or executed at the same time on the same person or on different persons at the same address)	\$0.75 for each kilometre or part of a kilometre over 15 kilometres (one way)
9. Poundage—  (a) on a warrant of sale or other process of execution (other than on a warrant of possession enforced against real property), calculated on the amount realised on sale or if not sold on the value of the property seized or the amount of the judgement debt whichever is the lesser; or  (b) on a warrant of possession enforced against real property, calculated on the annual value (within the meaning of the <i>Valuation of Land Act 1971</i> ) of the real property seized	\$0.10 for each \$1 of the first \$2 000 and \$0.05 for each \$1 over \$2 000
10. Attendance by the sheriff at court in charge of any person or to lodge any person in a gaol or other lock-up	\$27.50 per hour or part of an hour after the first hour
11. Opening of office (or office remaining open) after hours for urgent execution of process	\$154 per hour or part of an hour

**APPENDIX****LEGISLATIVE HISTORY**

*(entries in bold type indicate amendments incorporated since the last consolidation)*

Regulation 3(1):	varied by 241, 1996, reg. 3(a), (b)
Regulation 3(2):	revoked by 241, 1996, reg. 3(c)
Regulation 3(3):	varied by 241, 1996, reg. 3(d), (e)
Regulation 3(5):	substituted by 241, 1996, reg. 3(f)
<b>Regulations 4 and 5:</b>	<b>inserted by 237, 2000, reg. 3</b>
Schedule 1:	varied by 158, 1993, reg. 3; 90, 1994, reg. 3; 67, 1995, reg. 3; revoked by 241, 1996, reg. 4
Schedule 2:	varied by 158, 1993, reg. 4; 90, 1994, reg. 4; 67, 1995, reg. 4; revoked by 241, 1996, reg. 4
Schedule:	inserted by 241, 1996, reg. 4; varied by 69, 1997, reg. 3; 58, 1998, reg. 3; 127, 1999, reg. 3; 60, 2000, reg. 3