



## ST HELENA

### REVISED EDITION OF THE LAWS, 2017

#### COURTS AND JUSTICE

#### **SHERIFF OF ST HELENA ORDINANCE, 1969<sup>1</sup>**

*Ordinance 9 of 1969  
In force 29 December 1969*

*Amended by Ordinance 2 of 1990*

*No subsidiary legislation to 1 November 2017*

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#### **SHERIFF OF ST HELENA ORDINANCE, 1969**

##### ARRANGEMENT OF SECTIONS

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AN ORDINANCE to make provision for the office of Sheriff of St Helena and for connected and incidental purposes.

##### **Short title**

1. This Ordinance may be cited as the Sheriff of St Helena Ordinance, 1969.

##### **Interpretation**

2. In this Ordinance, unless the context otherwise requires –  
“**Sheriff**” means the Sheriff of St Helena;  
“**St Helena**” means the island of St Helena.

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

## Office of Sheriff

- 3.** There is to be a Sheriff of St Helena who—
- (a) must be appointed in the manner provided by this Ordinance; and
  - (b) may exercise the powers and must perform the duties conferred or imposed upon that officer by this Ordinance.

## Appointment of Sheriff and duration of office

**4. (1)** The Governor must, no later than 31st December in every year by warrant under his or her hand and the public seal appoint a fit and proper person to be Sheriff for the ensuing year.

**(2)** The person appointed as Sheriff under subsection (1) must before performing any functions of the office take and subscribe the oath of allegiance and an oath for the due execution and performance of the powers, functions and duties of that office.

**(3)** The person appointed as Sheriff under subsection (1) holds office until the following 31st December and thereafter until his or her successor in office is appointed and has taken the oaths prescribed by subsection (2).

**(4)** A person who holds or has held the office of Sheriff is eligible for re-appointment to that office.

## Vacation of office

**5. (1)** If the Sheriff—

- (a) dies;
- (b) resigns the office by writing addressed to the Governor;
- (c) departs from St Helena;
- (d) becomes bankrupt or insolvent or enters into any composition with creditors;
- (e) is convicted of any offence involving moral turpitude; or
- (f) becomes, in the opinion of the Governor, permanently incapable, whether by reason of illness or other cause, of performing the functions of the office,

the office of Sheriff becomes vacant.

**(2)** As soon as practicable after the office becomes vacant, another person must be appointed as provided by section 4 and that person continues to hold office for the remainder of the period for which his or her predecessor in office was appointed and thereafter until a successor is appointed and has taken and subscribed the prescribed oaths.

## Temporary vacancies

**6.** Whenever the Sheriff is—

- (a) temporarily absent from St Helena; or
- (b) temporarily incapable, whether by reason of illness or any other cause, of performing the functions of the office,

the Governor may appoint a fit and proper person to act in the place of the Sheriff during the period of the absence, illness or incapacity.

## Duties of Sheriff

7. (1) The duties of the Sheriff are to—

- (a) execute all writs, summonses, rules, orders, warrants, commands and processes of the Supreme Court, and make return of them, together with the manner of their execution, to the Supreme Court;
- (b) receive and detain in prison any persons committed to the custody of the Sheriff by the Supreme Court or the Magistrates' Court; and
- (c) do and perform any other acts, functions, matters and things relating to the office of Sheriff as are prescribed by any law in force in St Helena.

(2) The person appointed as Sheriff may in writing appoint and authorise a sufficient number of deputies to assist the person in performing the functions and duties of the office of Sheriff for so long as the person continues to hold that office, or until any such appointment and authorisation is earlier terminated.

(3) Every duty of the Sheriff in the execution of any process of a court may be performed by—

- (a) a duly authorised deputy; or
- (b) a police officer,

and for all purposes of such execution such deputy or police officer is an officer of the court.

## Protection of Sheriff from personal liability

8. No act, matter or thing done by the Sheriff or by a deputy duly appointed and authorised by the Sheriff, if done *bona fide* in the exercise of the powers, functions and duties conferred or imposed upon the Sheriff by this Ordinance or of any other law in force in St Helena, renders the Sheriff or any such deputy personally liable to any action, suit, claim or demand whatsoever.

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