

South Australia

## Sheriff's Regulations 2005

under the *Sheriff's Act 1978*

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### Legislative history

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#### 1—Short title

These regulations may be cited as the *Sheriff's Regulations 2005*.

#### 3—Interpretation

In these regulations—

*Act* means the *Sheriff's Act 1978*.

#### 5—Safe keeping and disposal of items

- (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 a 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.

## 6—Fees

- (2) The sheriff may recover expenses reasonably incurred by the sheriff in the performance of duties imposed on the sheriff by or under the Act or any other Act.

### Examples—

Expenses reasonably incurred that the sheriff may recover include—

- (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.
- (3) The sheriff may require—
- (a) a deposit as security for the payment of fees before commencing a 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.
- (4) The prescribed 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.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Revocation of regulations

The *Sheriff's Regulations 2005* were revoked by Sch 1 of the *Sheriff's Regulations 2020* on 1.9.2020.

### Legislation revoked by principal regulations

The *Sheriff's Regulations 2005* revoked the following:

*Sheriff's Regulations 1992*

### Principal regulations and variations

Year	No	Reference	Commencement
2005	128	<i>Gazette 26.5.2005 p1612</i>	1.7.2005: r 2
2006	142	<i>Gazette 15.6.2006 p1884</i>	1.7.2006: r 2
2007	93	<i>Gazette 7.6.2007 p2393</i>	1.7.2007: r 2
2008	87	<i>Gazette 5.6.2008 p2016</i>	1.7.2008: r 2
2009	104	<i>Gazette 4.6.2009 p2524</i>	1.7.2009: r 2
2010	128	<i>Gazette 10.6.2010 p2947</i>	1.7.2010: r 2
2011	142	<i>Gazette 9.6.2011 p2379</i>	1.7.2011: r 2
2012	141	<i>Gazette 31.5.2012 p2518</i>	1.7.2012: r 2
2013	115	<i>Gazette 6.6.2013 p2271</i>	1.7.2013: r 2
2014	128	<i>Gazette 19.6.2014 p2636</i>	1.7.2014: r 2
2015	72	<i>Gazette 18.6.2015 p2578</i>	1.7.2015: r 2
2016	147	<i>Gazette 23.6.2016 p2386</i>	1.7.2016: r 2
2017	52	<i>Gazette 16.5.2017 p1284</i>	1.7.2017: r 2
2017	154	<i>Gazette 22.6.2017 p2411</i>	1.7.2017: r 2
2018	82	<i>Gazette 21.6.2018 p2194</i>	1.7.2018: r 2
2019	97	<i>Gazette 13.6.2019 p1926</i>	1.7.2019: r 2
2020	123	<i>Gazette 4.6.2020 p2952</i>	1.7.2020: r 2

## Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2006</i>
<i>r 4</i>	<i>deleted by 52/2017 r 4</i>	<i>1.7.2017</i>
<i>r 6</i>		
<i>r 6(1)</i>	<i>deleted by 123/2020 r 4(1)</i>	<i>1.7.2020</i>
<i>r 6(2)</i>	<i>varied by 123/2020 r 4(2)</i>	<i>1.7.2020</i>
<i>r 6(4)</i>	<i>varied by 123/2020 r 4(3)</i>	<i>1.7.2020</i>
<i>Sch 1</i>	<i>substituted by 142/2006 r 4</i>	<i>1.7.2006</i>
	<i>substituted by 93/2007 r 4</i>	<i>1.7.2007</i>
	<i>substituted by 87/2008 r 4</i>	<i>1.7.2008</i>
	<i>substituted by 104/2009 r 4</i>	<i>1.7.2009</i>
	<i>substituted by 128/2010 r 4</i>	<i>1.7.2010</i>
	<i>substituted by 142/2011 r 4</i>	<i>1.7.2011</i>
	<i>substituted by 141/2012 r 4</i>	<i>1.7.2012</i>
	<i>substituted by 115/2013 r 4</i>	<i>1.7.2013</i>
	<i>substituted by 128/2014 r 4</i>	<i>1.7.2014</i>
	<i>substituted by 72/2015 r 4</i>	<i>1.7.2015</i>
	<i>substituted by 147/2016 r 4</i>	<i>1.7.2016</i>
	<i>substituted by 154/2017 r 4</i>	<i>1.7.2017</i>
	<i>substituted by 82/2018 r 4</i>	<i>1.7.2018</i>
	<i>substituted by 97/2019 r 4</i>	<i>1.7.2019</i>
	<i>deleted by 123/2020 r 5</i>	<i>1.7.2020</i>
<i>Sch 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2006</i>

## Historical versions

1.7.2006  
1.7.2007  
1.7.2008  
1.7.2009  
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