

South Australia

Sheriff's Regulations 2020

under the *Sheriff's Act 1978*

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Schedule 1—Revocation of *Sheriff's Regulations 2005*

Legislative history

1—Short title

These regulations may be cited as the *Sheriff's Regulations 2020*.

2—Commencement

These regulations come into operation on 1 September 2020.

3—Interpretation

In these regulations—

Act means the *Sheriff's Act 1978*.

4—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.

5—Fees

- (1) 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) cleaning and maintenance of property;
 - (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.
- (2) 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.
- (3) 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.

Schedule 1—Revocation of *Sheriff's Regulations 2005*

The *Sheriff's Regulations 2005* are revoked.

Legislative history

Notes

- 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.

Principal regulations

Year	No	Reference	Commencement
2020	258	<i>Gazette 20.8.2020 p4365</i>	1.9.2020: r 2