

LEGISLATIVE COUNCIL

SHERIFF BILL 2008

(Amendments and New Clauses to be proposed in Committee by Ms PENNICUIK)

1. Heading to clause 21, line 2, after "premises" insert "in certain circumstances".
2. Clause 21, line 3, omit "Subject to section 22, the" and insert "The".
3. Clause 21, line 7, before "court" insert "subject to section 22,"
4. Clause 21, line 8, before "warrant" insert "criminal".
5. Clause 22, line 16, after "possession" insert "or a civil warrant to be executed at the same time as a criminal warrant".
6. Clause 22, line 23, after "enter the premises" insert "and advise the owner or occupier that they may refuse entry".
7. Clause 22, lines 24 to 34, omit all words and expressions on these lines and insert—
 "() Subject to subsection (2), if consent is given under subsection (3), the sheriff may enter the premises to execute the civil warrant.".
8. Clause 22, page 16, lines 1 to 5, omit all words and expressions on these lines.
9. Clause 54, omit this clause.
10. Division heading following clause 55, omit "3" and insert "4".

NEW CLAUSES

11. Insert the following clause to follow clause 53—
 "A Specified agency may only provide required information to the sheriff in certain cases
 (1) Subject to subsection (3), a specified agency must comply with a request under section 53(1) unless the public sector body Head (within the meaning of the **Public Administration Act 2004**) of the public sector body or chief executive officer of the Council, as the case requires, decides that—
 (a) exceptional circumstances apply that require the agency not to provide the sheriff with the required information; or
 (b) it is not in the public interest to provide the sheriff with the required information.

- (2) The public sector body Head or chief executive officer of the Council must give written notice to the sheriff within 14 days after a decision under subsection (1) not to provide the sheriff with the required information is made.
- (3) A specified agency that is a law enforcement agency may comply with a request under section 53(1)."

12. Insert the following Division heading and clause to follow clause 55—

"Division 3—Reporting

B Sheriff's report to Ombudsman

- (1) Within 2 months after—
 - (a) the exercise of the power to restrain under section 16; or
 - (b) the use of force and assistance under section 21 to enter premises for the purpose of executing a criminal warrant and civil warrant at the same time—

the sheriff must prepare and give to the Ombudsman a report that complies with this section.

Note

See section 35 in relation to the execution of more than one warrant.

- (2) A report must include the following details—
 - (a) the date and time when the power to restrain was exercised or the force and assistance was used; and
 - (b) the nature of the warrant being executed; and
 - (c) the circumstances in which the power to restrain was exercised or the force and assistance was used; and
 - (d) the outcome of the execution of the warrant; and
 - (e) any loss of or serious damage to property or any personal injuries occurring in the course of or as a direct result of the exercise of the power to restrain or the use of force and assistance."