
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 225

COURT OF SESSION

SHERIFF APPEAL COURT

SHERIFF COURT

**Act of Sederunt (Fees of Messengers-at-Arms and Sheriff
Officers) (Amendment) 2021**

Made - - - - - *27th May 2021*

Laid before the Scottish Parliament *28th May 2021*

Coming into force - - - *30th June 2021*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(a), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by sections 105(1) and 106(1) of the Courts Reform (Scotland) Act 2014(b) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2021.

(2) It comes into force on 30th June 2021.

(3) A certified copy is to be inserted in the Books of Sederunt.

Amendment of Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002

2. For the Table of Fees in schedule 1 of Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002(c) substitute the Table of Fees in schedule 1 of this Act of Sederunt.

(a) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).

(b) 2014 asp 18.

(c) S.S.I. 2002/566. The Table of Fees was last substituted by S.S.I. 2018/126 and last amended by S.S.I. 2020/423.

Amendment of Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002

3. For the Table of Fees in schedule 1 of Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002^(a) substitute the Table of Fees in schedule 2 of this Act of Sederunt.

Saving

4. Paragraphs 2 and 3 have no effect as regards fees payable in respect of work carried out before 30th June 2021.

CJM SUTHERLAND
Lord President
I.P.D.

Edinburgh
27th May 2021

^(a) S.S.I. 2002/567. The Table of Fees was last substituted by S.S.I. 2018/126 and last amended by S.S.I. 2020/423

SCHEDULE 1

Paragraph 2

“TABLE OF FEES PAYABLE TO MESSENGERS-AT-ARMS

<i>Item</i>	£
1. Service or intimation of a document	
(a) Service	
(i) each person at a different address	110.01
(ii) each additional person at the same address or additional copy required to be served or intimated under the Act of 1987 and the Act of 2002	21.70
(b) Postal service	31.27
(c) Postal diligence	47.64
2. Inhibitions	
(a) Inhibitions only	
(i) each person at a different address	110.01
(ii) each additional person at the same address	35.40
(b) Inhibition and service	
(i) each person at a different address	131.32
(ii) each additional person at the same address	57.04
(c) Inhibition, service and interdict	
(i) each person at a different address	218.11
(ii) each additional person at the same address	92.72
3. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997)	
(a) Interdict only	
(i) each person at a different address	160.74
(ii) each additional person at the same address	35.40
(b) Interdict and service	

<i>Item</i>	<i>£</i>
(i) each person at a different address	182.66
(ii) each additional person at the same address	57.04
(c) Interdict, service and inhibition	
(i) each person at a different address	218.11
(ii) each additional person at the same address	92.72
4. Attachments	
(a) Service notice of entry	12.18
(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	91.14
(c) Arranging and executing attachment where appraised value is—	
(i) £708 or under	106.64
(ii) over £708 and up to £2,845	165.31
(iii) over £2,845 and up to £28,648 – 10% of the appraised value	
(iv) over £28,648 and up to £143,231 – 10% of the first £28,648, 5% thereafter	
(v) over £143,231 – 10% of the first £28,648, 5% thereafter up to £143,231 and 1% thereafter	
(d) Reporting attachment	10.11
5. Attachment of motor vehicles, heavy plant or machinery	
(a) Arranging and executing attachment where appraised value is—	
(i) £708 or under	106.64
(ii) over £708 and up to £3,147	165.31
(iii) over £3,147 and up to £143,231 – 5% of the appraised value	
(iv) over £143,231 – 5% of the first £143,231 and 1% thereafter	
(b) Reporting attachment	10.11
6. Money attachments under the Act of 2007	
(a) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	91.14
(b) Arranging and executing attachment, including removal of attached	

<i>Item</i>	<i>£</i>
money, where value of money is—	
(i) £708 or under	106.64
(ii) over £708 and up to £2,845	165.31
(iii) over £2,845 and up to £28,648 – 10% of the value	
(iv) over £28,648 and up to £143,231 – 10% of the first £28,648, 5% thereafter	
(v) over £143,231 – 10% of the first £28,648, 5% thereafter up to £143,231 and 1% thereafter	
(c) Reporting attachment	10.11
7. Auctions	
(a) Arranging auction, preparing advertisement and giving public notice	26.37
(b) Serving copy of warrant of auction and intimating the place and date of auction and if necessary the date of removal of attached effects – as in item 1(a) or (b) above, as the case may be	
(c) Officer and witness attending auction but auction not executed for whatever reason	87.06
(d) Officer and witness attending auction sale	160.74
8. Ejections	
(a) Arranging ejection	87.06
(b) Arranging and executing ejection	135.13
9. Taking possession of effects	
(a) Arranging possession	87.06
(b) Arranging and effecting possession	160.74
10. Apprehensions	
(a) Arranging apprehension	87.06
(b) Arranging and apprehending	160.74
11. Uplifting children	
(a) Arranging uplift	87.06
(b) Uplifting each child	160.74

<i>Item</i>	<i>£</i>
12. Arresting vessels, aircraft and cargo	
(a) Arranging to arrest	87.06
(b) Arranging and effecting arrestment	266.02
13. Miscellaneous	
(a) Making any report or application under the Act of 1987, the Act of 2002 or the Act of 2007 with the exception of reporting an attachment or a money attachment	20.22
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	10.11
(c) Arranging locksmith or tradesperson to be in attendance	6.47
(d) Granting certificate of dispenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor	20.22
(e) Executing warrant to open lockfast places	20.22
(f) Time	
(i) with witness – £32.40 per unit	
(ii) without witness – £24.15 per unit	
(g) Photocopies	
(i) first page document – £2.28	
(ii) subsequent pages – per page £1.25	
(h) Service of a document in Scotland under either the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters concluded on 15th November 1965 (commonly referred to as the “Hague Service Convention”) or Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13th November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000—	
(i) where service is effected by a method mentioned in rule 16.1(1)(a)(i), (ii), (iii) or (b)(i) of the Rules of the Court of Session 1994 (methods and manner of service on a person)	151.06
(ii) where service is effected by a method mentioned in rule 16.1(1)(a)(iv) or (b)(ii) of the Rules of the Court of Session 1994 (postal service)	48.12”

SCHEDULE 2

Paragraph 3

“TABLE OF FEES PAYABLE TO SHERIFF OFFICERS

<i>Item</i>	<i>Column A</i>	<i>Column B</i>
	£	£
1. Service or intimation of a document		
(a) Service		
(i) each person at a different address	55.14	86.03
(ii) each additional person at the same address or additional copy required to be served or intimated under the Act of 1987 and the Act of 2002	12.02	19.41
(b) Postal service	16.85	28.55
(c) Postal diligence	26.16	42.91
2. Inhibitions		
(a) Inhibitions only		
(i) each person at a different address	71.07	110.01
(ii) each additional person at the same address	22.90	35.40
(b) Inhibition and service		
(i) each person at a different address	82.98	128.16
(ii) each additional person at the same address	36.05	55.68
(c) Inhibition, service and interdict		
(i) each person at a different address		212.89
(ii) each additional person at the same address		90.60
3. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997 and antisocial behaviour orders under the Antisocial Behaviour etc. (Scotland) Act 2004)		
(a) Interdict only		
(i) each person at a different address		160.74
(ii) each additional person at the same address		35.40
(b) Interdict and service		

<i>Item</i>	<i>Column A</i> £	<i>Column B</i> £
(i) each person at a different address		180.70
(ii) each additional person at the same address		55.04
4. Attachments		
(a) Service notice of entry	7.89	12.18
(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	62.26	91.14
(c) Arranging and executing attachment where appraised value is—		
(i) £708 or under	106.64	106.64
(ii) over £708 and up to £2,845	165.31	165.31
(iii) over £2,845 and up to £28,648 – 10% of the appraised value		
(iv) over £28,648 and up to £143,231 – 10% of the first £28,648, 5% thereafter		
(v) over £143,231 – 10% of the first £28,648 5% thereafter up to £143,231 and 1% thereafter		
(d) Reporting attachment	10.11	10.11
5. Attachment of motor vehicles, heavy plant or machinery		
(a) Arranging and executing attachment where appraised value is—		
(i) £708 or under	106.64	106.64
(ii) over £708 and up to £3,147	165.31	165.31
(iii) over £3,147 and up to £143,231 – 5% of the appraised value		
(iv) over £143,231 – 5% of the first £143,231 and 1% thereafter		
(b) Reporting attachment	10.11	10.11
6. Money attachments under the Act of 2007		
(a) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	62.26	91.14
(b) Arranging and executing attachment, including removal of attached money, where value of money is—		

<i>Item</i>	<i>Column A</i> £	<i>Column B</i> £
(i) £708 or under	106.64	106.64
(ii) over £708 and up to £2,845	165.31	165.31
(iii) over £2,845 and up to £28,648 – 10% of the value		
(iv) over £28,648 and up to £143,231 – 10% of the first £28,648, 5% thereafter		
(v) over £143,231 – 10% of the first £28,648, 5% thereafter up to £143,231 and 1% thereafter		
(c) Reporting attachment	10.11	10.11
7. Auctions		
(a) Arranging auction, preparing advertisement and giving public notice	26.37	26.37
(b) Intimating the place and date of auction and if necessary the date of removal of attached effects – as in items 1(a) or (b) above, as the case may be		
(c) Officer and witness attending auction but auction not executed for whatever reason	58.02	87.06
(d) Officer and witness attending auction	160.74	160.74
8. Ejections		
(a) Arranging ejection	58.02	87.06
(b) Arranging and executing ejection	119.14	135.13
9. Taking possession of effects		
(a) Arranging possession	58.02	87.06
(b) Arranging and effecting possession	119.14	160.74
10. Apprehensions		
(a) Arranging apprehension		87.06
(b) Arranging and apprehending		160.74
11. Uplifting children		
(a) Arranging uplift		87.06
(b) Uplifting of each child		160.74

<i>Item</i>	<i>Column A</i>	<i>Column B</i>
	£	£
12. Arresting vessels, aircraft and cargo		
(a) Arranging to arrest	58.02	87.06
(b) Arranging and effecting arrestment	146.33	266.02
13. Miscellaneous		
(a) Making any report or application under the Act of 1987, the Act of 2002 or the Act of 2007 with the exception of reporting an attachment or a money attachment	20.22	20.22
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	10.11	10.11
(c) Arranging locksmith or tradesperson to be in attendance	6.47	6.47
(d) Granting certificate of dispenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor	20.22	20.22
(e) Executing warrant to open lockfast places	20.22	20.22
(f) Time		
(i) with witness – £32.40 per unit		
(ii) without witness – £24.15 per unit		
(g) Photocopies		
(i) first page document – £2.28		
(ii) subsequent pages – per page £1.25		
(h) Service of a document in Scotland under the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters concluded on 15th November 1965 (commonly referred to as the “Hague Service Convention”) where service is effected by a method mentioned in rule 5.4(1), (3), (4) or (5) of the Ordinary Cause Rules 1993 (service within Scotland by sheriff officer) or rule 5.5 of the Act of Sederunt (Sheriff Appeal Court Rules) 2015 (methods of intimation: by sheriff officer).	£151.05	£151.05”

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt makes changes to the rules regulating the fees of Messengers-at-Arms and sheriff officers.

Paragraphs 2 and 3 substitute new Tables of Fees for Messengers-at-Arms and sheriff officers in Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002 and Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002.

The fee levels in the new Tables of Fees represent an increase of 6% on the existing fees. This increase takes effect from 30th June 2021.