



Scottish  
Civil Justice  
Council

# EQUALITY IMPACT ASSESSMENT:

PROVIDING AMENDED COURT RULES TO SUPPORT:

## **A simplified Table of Fees (*for officers of court*)**

PREPARED BY: The Secretariat to the Scottish Civil Justice Council (SCJC).

REGARDING: the introduction of 'unit based charging' for use when determining the regulated fees that can be charged by messengers at arms and sheriff officers.

**LAST UPDATED: 28 May 2025**

### Step 1 – POLICY BACKGROUND

#### **What is the purpose of this policy?**

Historically the columns within the Fee Tables have specified an individual fee amount for each line item. In turn all of the amounts specified needed to be individually varied in order to implement a straightforward % fees uplift.

To reduce the resource input required the preferred solution is to adopt the 'unit based charging' methodology that has been successfully used in the comparable Fee Tables used for the recovery of costs through an award of expenses.

---

#### **Why is this policy being developed or revised now?**

For the recovery of judicial expenses; the change made in 2019 to using a "unit based charging" methodology has achieved the policy objective of simplifying the update process. The policy aim is to now replicate that approach when updating the regulated fees of messengers at arms and sheriff officers.

---

#### **Consultation**

Whilst these regulated fees may be paid directly to an officer of court by the instructing party, they will ultimately be recovered in an award of expenses or by being added to a party's outstanding debt. Given the range of people impacted a public consultation is appropriate.

### **How are staff and / or customers affected by this policy?**

The amount charged will be the same: as the fee amount is just being broken into its 2 component parts (*the fee amount = the 'units of work' x the 'monetary value' per unit*).

#### Service Users

- *The instructing party* – the proposed change in methodology will be “cost neutral” as the same amount will be charged.
- *The party liable in expenses* - the proposed change in methodology will be “cost neutral” as the amount incurred is the same and it will be recoverable in an award of expenses.

#### Service Providers

- *Messengers at Arms* – require awareness of the change in methodology.
- *Sheriff Officers* – require awareness of the change in methodology.

#### The Court

- *Judicial Office Holders* - require awareness of the change in methodology.
- *Court Officials* - require awareness of the change in methodology.

---

### **What research has influenced the development of this policy?**

#### Judicial Supervision

The services of a sheriff officer are provided under a commission issued by a sheriff principal, and the services of a messenger-at-arms are provided under a commission issued by the Lord Lyon. Where a non-compliance arises related to the content and application of these charging instruments then sanctions can be applied, including the removal of the commission held.

#### Business Levels

Information on the level of services provided by officers of court is publicly available from the Scottish Diligence Statistics as published annually by the AiB:

<https://aib.gov.uk/publications/scottish-diligence-statistics-2023-24>

#### Technology

The majority of firms in this market are of insufficient size to justify investing in their own IT systems to support fees accounting / billing. For those that do; using the one monetary value for a unit will simplify the options available for those that are looking to implement new digital systems within their business.

---

### **How does this policy support the public sector equality duty?**

The Council does not provide front line public services. It does provide ‘functions of a public nature’ when proposing draft court rules for consideration by the Court of Session, so it does give ‘due regard’ to the general equality duties under the Equalities Act 2010:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Stating the ‘units of work’ assigned for each service delivered means all those with protected characteristics will gain increased transparency on the two key components that underpin the charges incurred – the assessed ‘units of work’ and the ‘monetary value’ for that unit.

---

### **How has feedback from equality groups helped to shape this policy?**

Equality groups expect to see messengers at arms and sheriff officers make reasonable adjustments when dealing with all those who are vulnerable or have impairments.

## **Step 2 – ASSESSMENT OF LIKELY EQUALITY IMPACTS**

When considering equality impacts, readers should note the differing roles of the organisations that support the judiciary:

- The “rule making” function sits with the Scottish Civil Justice Council (SCJC) - it is responsible for making reasonable adjustments within any proposed rules, to anticipate the needs of those with impairments.
- In this case the “service delivery” function sits with the members of the Society of Messengers at Arms and Sheriff Officers (SMASO). As they charge and account for these regulated fees they hold the responsibility to make reasonable adjustments within the services they deliver.

This EQIA is narrated from the Council's perspective, to ensure it maintains a clear focus on the impacts that arise from the **rule making** function.

<b>IMPACTS APPLICABLE TO ALL COURT USERS</b>	<b>LEGAL TERMINOLOGY</b> - The legal profession does use complicated legal terminology that can make these charging instruments difficult to understand for those without legal training. That gap in knowledge can be problematic for someone with complex communication needs as they will already have a sense of separation if they are instructing these services, or they are being handed court documents, or they are the subject of the enforcement action being taken.
<b>AGE</b>	<b>DIGITAL EXCLUSION</b> – compared to the general population there is a larger cohort of the elderly who do not use the internet.  As these regulated fees are not part of a digital service this change in methodology has no significant impacts.
<b>DISABILITY</b>	<b>DIGITAL EXCLUSION</b> – compared to the general population there is a larger cohort of the disabled who do not use the internet.  As these regulated fees are not part of a digital service this change in methodology has no significant impacts.
<b>GENDER REASSIGNMENT</b>	No significant impacts identified.
<b>MARRIAGE &amp; CIVIL PARTNERSHIP</b>	No significant impacts identified.
<b>PREGNANCY &amp; MATERNITY</b>	No significant impacts identified.
<b>RACE</b>	No significant impacts identified.
<b>RELIGION &amp; BELIEF</b>	No significant impacts identified.
<b>SEX</b>	No significant impacts identified.
<b>SEXUAL ORIENTATION</b>	No significant impacts identified.