



Scottish
Civil Justice
Council

POLICY NOTE:

For the:

Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) 2026

The regulatory framework

The services covered within this charging instrument constitute a “coercive enforcement function” that is being delivered on behalf of the state by specialist providers who are required to operate within a regulated market. Within the regulatory framework established by the courts:

- Each specialist provider is licenced by a commission issued by the courts. They are required to deliver their services under judicial supervision, and their duty of care is to the court (rather than the consumer).
- Under section 2 (1) (c) (ia) of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013, this Council holds the power to regulate the level of fees charged by these specialist providers by proposing draft fees rules to the Court of Session for its consideration and approval.

The pricing methodology

Under the Council's previous pricing model, each charging instrument regulated pricing using multiple columns that listed fixed fee amounts, along with the partial use of reductions and surcharges, and a duplication of the two sets of general regulations carried forward from 2002. That approach resulted in those instruments being perceived as overly complex, far from easy to use, and difficult to update.

This consolidating instrument implements *unit-based charging* as the preferred pricing methodology, with the charges made underpinned by the baseline units of work (per 6-minutes or part thereof) established within this statutory instrument. That approach, combined with adhoc inflation adjustments, provides more transparent pricing for consumers and a more efficient method for use in regulating this market.

**Secretariat to the Scottish Civil Justice Council
March 2026**