
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 430

SHERIFF COURT

Act of Sederunt (Fees of Sheriff Officers) 2008

| | | |
|--|---------|---------------------------|
| <i>Made</i> | - - - - | <i>17th December 2008</i> |
| <i>Laid before the Scottish Parliament</i> | - - - - | <i>22nd December 2008</i> |
| <i>Coming into force</i> | - - | <i>26th January 2009</i> |

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 40 of the Sheriff Courts (Scotland) Act 1907(1), section 6 of the Execution of Diligence (Scotland) Act 1926(2) and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Fees of Sheriff Officers) 2008 and shall come into force on 26th January 2009.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendment of fees

2.—(1) Subject to paragraph (2) below, for the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002(3) substitute the Table in the Schedule to this Act of Sederunt.

(2) Subparagraph (1) shall apply to work carried out by a sheriff officer on or after 26th January 2009 but shall not affect the fees payable as respects any work so carried out before that date.

Edinburgh
17th December 2008

A C HAMILTON
Lord President, I.P.D.

(1) 1907 c. 51; section 40 was amended by the Sheriff Courts (Scotland) Act 1913 c. 28, Schedule 1; the Secretaries of State Act 1926 c. 18, section 1(3); the Administration of Justice (Scotland) Act 1933 c. 41, Schedule; and the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 c. 12, Schedule 1, paragraph 7 and Schedule 2.

(2) 1926 c. 16. Section 6 will be amended by paragraph 7(4) of schedule 5 to the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) when that provision comes into force.

(3) S.S.I. 2002/567, amended by S.S.I. 2003/538, 2004/513, 2005/583, 2006/539 and 2007/550.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Paragraph 2(1)

TABLE OF FEES

| Item | Column A | | | Column B | | |
|--|-------------|-------------|-------------|-------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| <i>1. Service or intimation of a document</i> | | | | | | |
| (a) | (a) Service | | | | | |
| (i) each person at a different address | 28.85 | 44.50 | 57.65 | 47.10 | 69.35 | 90.40 |
| (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 | 9.65 | 9.65 | 9.65 | 15.70 | 15.70 | 15.70 |
| (Postal) (b) service | 13.60 | 13.60 | 13.60 | 23.00 | 23.00 | 23.00 |
| (Postal) (c) diligence | 21.10 | 21.10 | 21.10 | 34.65 | 34.65 | 34.65 |
| <i>2. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997 and antisocial behaviour orders under the Antisocial Behaviour etc. (Scotland) Act 2004)</i> | | | | | | |
| (Interdict) (a) only | | | | | | |
| (i) each person at a | | | | 129.70 | 129.70 | 129.70 |

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| Item | Column A | | | Column B | | |
|---|-------------|-------------|-------------|-------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| different address | | | | | | |
| (ii) each additional person at the same address | | | | 28.55 | 28.55 | 28.55 |
| In dict(b) and service | | | | | | |
| (i) each person at a different address | | | | 145.70 | 145.70 | 145.70 |
| (ii) each additional person at the same address | | | | 44.40 | 44.40 | 44.40 |
| 3. Attachments | | | | | | |
| Serving(a) notice of entry | 6.35 | 6.35 | 6.35 | 9.80 | 9.80 | 9.80 |
| Arranging(b) attachment and endeavouring but being unable to execute the same for whatever reason | 50.20 | 50.20 | 50.20 | 73.45 | 73.45 | 73.45 |
| Arranging(c) and executing attachment where | | | | | | |

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| Item | Column A | | | Column B | | |
|--|-------------|-------------|-------------|-------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| appraised value is — | | | | | | |
| (i) £605 or under | 86.00 | 86.00 | 86.00 | 86.00 | 86.00 | 86.00 |
| (ii) over £605 and up to £2,431 | 133.35 | 133.35 | 133.35 | 133.35 | 133.35 | 133.35 |
| (iii) over £2,431 and up to £24,493 – 10% of the appraised value | | | | | | |
| (iv) over £24,493 and up to £122,453 – 10% of the first £24,493, 5% thereafter | | | | | | |
| (v) over £122,453 – 10% of the first £24,493, 5% thereafter up to £122,453 and 1% thereafter | | | | | | |

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| Item | Column A | | | Column B | | |
|---|-------------|-------------|-------------|-------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| Reporting (a) attachment | 8.20 | 8.20 | 8.20 | 8.20 | 8.20 | 8.20 |
| 4. Attachment of motor vehicles, heavy plant or machinery | | | | | | |
| Arranging (a) and executing attachment where appraised value is – | | | | | | |
| (i) £605 or under | 86.00 | 86.00 | 86.00 | 86.00 | 86.00 | 86.00 |
| (ii) over £605 and up to £2,690 | 133.35 | 133.35 | 133.35 | 133.35 | 133.35 | 133.35 |
| (iii) over £2,690 and up to £122,453 – 5% of the appraised value | | | | | | |
| (iv) over £122,453 – 5% of the first £122,453 and 1% thereafter | | | | | | |
| Reporting (b) attachment | 8.20 | 8.20 | 8.20 | 8.20 | 8.20 | 8.20 |
| 5. Sequestrations for rent, poinding of ground | | | | | | |
| Arranging (a) for the sequestration | 46.75 | 46.75 | 46.75 | 70.20 | 70.20 | 70.20 |

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| Item | Column A | | | Column B | | |
|--|----------|--------|--------|----------|--------|--------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| | £ | £ | £ | £ | £ | £ |
| or pounding of the ground and endeavouring but being unable to execute same for whatever reason | | | | | | |
| Arranging (b) and effecting sequestration where the appraised value is — | | | | | | |
| (i) £605 or under | 82.60 | 82.60 | 82.60 | | | |
| (ii) over £605 and up to £2,431 | 129.70 | 129.70 | 129.70 | | | |
| (iii) over £2,431 as 3(c) (iii) above | | | | | | |
| Arranging (c) and effecting ordinary sequestrations or pounding of | | | | 129.70 | 129.70 | 129.70 |

| Item | Column A | | | Column B | | |
|---|----------|--------|--------|----------|--------|--------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| | £ | £ | £ | £ | £ | £ |
| the ground | | | | | | |
| Service(d) | | | | | | |
| – | | | | | | |
| as in item 1(a) or (b) above, as the case may be | | | | | | |
| 6. Auctions | | | | | | |
| (a) (i) Arranging an auction, preparing advertisement and giving public notice | 21.30 | 21.30 | 21.30 | 21.30 | 21.30 | 21.30 |
| (ii) 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 | | | | | | |

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| Item | Column A | | | Column B | | |
|--|-------------|-------------|-------------|-------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| may be | | | | | | |
| (b) (i) Officer and witness attending auction but auction not executed for whatever reason | 46.75 | 46.75 | 46.75 | 70.20 | 70.20 | 70.20 |
| (ii) Officer and witness attending auction | 129.70 | 129.70 | 129.70 | 129.70 | 129.70 | 129.70 |
| <i>7. Ejections</i> | | | | | | |
| Arranging (a) ejection | 46.75 | 46.75 | 46.75 | 70.20 | 70.20 | 70.20 |
| Arranging (b) and executing ejection | 96.05 | 96.05 | 96.05 | 109.00 | 109.00 | 109.00 |
| <i>8. Taking possession of effects</i> | | | | | | |
| Arranging (a) possession | 46.75 | 46.75 | 46.75 | 70.20 | 70.20 | 70.20 |
| Arranging (b) and effecting possession | 96.05 | 96.05 | 96.05 | 129.70 | 129.70 | 129.70 |
| <i>9. Apprehensions</i> | | | | | | |
| Arranging (a) apprehension | | | | 70.20 | 70.20 | 70.20 |
| Arranging (b) and apprehending | | | | 129.70 | 129.70 | 129.70 |
| <i>10. Taking possession of a child</i> | | | | | | |
| Arranging (a) to | | | | 70.20 | 70.20 | 70.20 |

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| Item | Column A | | | Column B | | |
|---|-------------|-------------|-------------|-------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| take possession | | | | | | |
| Arranging (b) and taking possession of each child | | | | 129.70 | 129.70 | 129.70 |
| 11. Arresting vessels, aircraft and cargo | | | | | | |
| Arranging (a) to arrest | 46.75 | 46.75 | 46.75 | 70.20 | 70.20 | 70.20 |
| Arranging (b) and effecting arrestment | 118.00 | 118.00 | 118.00 | 214.55 | 214.55 | 214.55 |
| 12. Miscellaneous | | | | | | |
| Making (a) any report or application under the Act of 1987 or the Act of 2002 with the exception of reporting an attachment | 16.25 | 16.25 | 16.25 | 16.25 | 16.25 | 16.25 |
| Giving (b) any receipt required to be | 8.20 | 8.20 | 8.20 | 8.20 | 8.20 | 8.20 |

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| Item | Column A | | | Column B | | |
|--|----------|--------|--------|----------|--------|--------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| | £ | £ | £ | £ | £ | £ |
| issued under the Act of 1987 or the Act of 2002 | | | | | | |
| Arranging (c) locksmith or tradesman to be in attendance | 5.20 | 5.20 | 5.20 | 5.20 | 5.20 | 5.20 |
| Giving (d) certificate of displenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor | 16.25 | 16.25 | 16.25 | 16.25 | 16.25 | 16.25 |
| Executing (e) warrant to open | 16.25 | 16.25 | 16.25 | 16.25 | 16.25 | 16.25 |

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| Item | Column A | | | Column B | | |
|-------------------------|----------|--------|--------|----------|--------|--------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| | £ | £ | £ | £ | £ | £ |
| lockfast places | | | | | | |
| (f) (f) Time | | | | | | |
| (i) with witness | | | | | | |
| – | | | | | | |
| £26.10 per unit | | | | | | |
| (ii) without witness | | | | | | |
| – | | | | | | |
| £19.50 per unit | | | | | | |
| (g) (g) Photocopies | | | | | | |
| (i) first page document | | | | | | |
| – | | | | | | |
| £1.85 | | | | | | |
| (ii) subsequent pages | | | | | | |
| – per page – | | | | | | |
| £1.00 | | | | | | |

EXPLANATORY NOTE

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

This Act of Sederunt amends Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002 by substituting a new Table of Fees.

The fee levels in the new Table of Fees represent an increase of 4.35% on the existing fees. This increase takes effect from 26th January 2009.