

**2003 No. 538**

**SHERIFF COURT**

**Act of Sederunt (Fees of Sheriff Officers) 2003**

*Made* - - - - *7th November 2003*

*Laid before the Scottish Parliament* *11th November 2003*

*Coming into force* - - *1st January 2004*

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(a), section 6 of the Execution of Diligence (Scotland) Act 1926(b) 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) 2003 and shall come into force on 1st January 2004.

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

**Amendment of fees**

**2.**—(1) Subject to sub-paragraph (2) below, the Table of Fees in the Schedule to this Act of Sederunt shall be substituted for the Table in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002(c) and shall apply to work carried out by a sheriff officer on or after 1st January 2004.

(2) Sub-paragraph (1) does not affect the fees payable as respects any work so carried out before the date mentioned in that sub-paragraph.

*Cullen of Whitekirk*  
*Lord President*  
I.P.D.

Edinburgh  
7th November 2003

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(a) 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.  
(b) 1926 c.16.  
(c) S.S.I. 2002/567.

## SCHEDULE

## TABLE OF FEES

<i>Item</i>	<i>Summary Cause</i>			<i>Ordinary Cause</i>		
	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>
<i>1. Service or intimation of a document</i>						
<i>(a) Service</i>						
<i>(i) each person at a different address</i>	24.00	37.05	48.00	39.25	57.70	75.25
<i>(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</i>	8.05	8.05	8.05	13.10	13.10	13.10
<i>(b) Postal service</i>	11.60	11.60	11.60	19.40	19.40	19.40
<i>(c) Postal diligence</i>	17.75	17.75	17.75	29.10	29.10	29.10
<i>2. Interdicts</i>						
<i>(a) Interdict only</i>						
<i>(i) each person at a different address</i>				108.00	108.00	108.00
<i>(ii) each additional person at the same address</i>				23.75	23.75	23.75
<i>(b) Interdict and service</i>						
<i>(i) each person at a different address</i>				121.25	121.25	121.25
<i>(ii) each additional person at the same address</i>				36.95	36.95	36.95
<i>3. Attachments</i>						
<i>(a) Serving notice of entry</i>	5.30	5.30	5.30	8.15	8.15	8.15
<i>(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason</i>	41.80	41.80	41.80	61.15	61.15	61.15
<i>(c) Arranging and executing attachment where appraised value is–</i>						
<i>(i) £504 or under</i>	71.60	71.60	71.60	71.60	71.60	71.60
<i>(ii) over £504 and up to £2,024</i>	111.00	111.00	111.00	111.00	111.00	111.00
<i>(iii) over £2,024 and up to £20,386 – 10% of the appraised value</i>						
<i>(iv) over £20,386 and up to £101,917 – 10% of the first £20,386, 5% thereafter</i>						

<i>Item</i>	<i>Summary Cause</i>			<i>Ordinary Cause</i>		
	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>
(v) over £101,917 – 10% of the first £20,386, 5% thereafter up to £101,917 and 1% thereafter						
(d) Reporting attachment	6.85	6.85	6.85	6.85	6.85	6.85
4. <i>Attachment of motor vehicles, heavy plant or machinery</i>						
(a) Arranging and executing attachment where appraised value is–						
(i) £504 or under	71.60	71.60	71.60	71.60	71.60	71.60
(ii) over £504 and up to £2,239	111.00	111.00	111.00	111.00	111.00	111.00
(iii) over £2,239 and up to £101,917 – 5% of the appraised value						
(iv) over £101,917 – 5% of the first £101,917 and 1% thereafter						
(b) Reporting attachment	6.85	6.85	6.85	6.85	6.85	6.85
5. <i>Sequestrations for rent, poinding of ground</i>						
(a) Arranging for the sequestration or poinding of the ground and endeavouring but being unable to execute same for whatever reason	38.90	38.90	38.90	58.40	58.40	58.40
(b) Arranging and effecting sequestration where the appraised value is–						
(i) £504 or under	68.75	68.75	68.75			
(ii) over £504 and up to £2,024	108.00	108.00	108.00			
(iii) over £2,024 as 3(c)(iii) above						
(c) arranging and effecting ordinary sequestration or poinding of the ground				108.00	108.00	108.00
(d) service – as in item 1(a) or (b) above, as the case may be						
6. <i>Auctions</i>						
(a) (i) Arranging auction, preparing advertisement and giving public notice	17.70	17.70	17.70	17.70	17.70	17.70
(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 may be						

<i>Item</i>	<i>Summary Cause</i>			<i>Ordinary Cause</i>		
	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
	£	£	£	£	£	£
(b) (i) Officer and witness attending auction but auction not executed for whatever reason	38.90	38.90	38.90	58.40	58.40	58.40
(ii) Officer and witness attending auction	108.00	108.00	108.00	108.00	108.00	108.00
7. <i>Ejections</i>						
(a) Arranging ejection	38.90	38.90	38.90	58.40	58.40	58.40
(b) Arranging and executing ejection	79.95	79.95	79.95	90.70	90.70	90.70
8. <i>Taking possession of effects</i>						
(a) Arranging possession	38.90	38.90	38.90	58.40	58.40	58.40
(b) Arranging and effecting possession	79.95	79.95	79.95	108.00	108.00	108.00
9. <i>Apprehensions</i>						
(a) Arranging apprehension				58.40	58.40	58.40
(b) Arranging and apprehending				108.00	108.00	108.00
10. <i>Taking possession of children</i>						
(a) Arranging to take possession				58.40	58.40	58.40
(b) Arranging and taking possession of each child				108.00	108.00	108.00
11. <i>Arresting vessels, aircraft and cargo</i>						
(a) Arranging to arrest	38.90	38.90	38.90	58.40	58.40	58.40
(b) Arranging and effecting arrestment	98.20	98.20	98.20	178.55	178.55	178.55
12. <i>Miscellaneous</i>						
(a) Making any report or application under the Act of 1987 or the Act of 2002 with the exception of reporting an attachment	13.50	13.50	13.50	13.50	13.50	13.50
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	6.85	6.85	6.85	6.85	6.85	6.85
(c) Arranging locksmith or tradesman to be in attendance	4.40	4.40	4.40	4.40	4.40	4.40
(d) Granting certificate of displenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor	13.50	13.50	13.50	13.50	13.50	13.50
(e) Executing warrant to open lockfast places	13.50	13.50	13.50	13.50	13.50	13.50
(f) Time						
(i) with witness – £21.70 per unit						
(ii) without witness – £16.20 per unit						

<i>Item</i>	<i>Summary Cause</i>			<i>Ordinary Cause</i>		
	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>
(g) Photocopies						
(i) first page document – £1.55						
(ii) subsequent pages – per page - £0.70						

## **EXPLANATORY NOTE**

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

This Act of Sederunt amends the Schedule to the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002 (S.S.I. 2002/567) by increasing the fees payable to sheriff officers by 3.2% with effect from 1st January 2004.



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