
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 513

SHERIFF COURT

Act of Sederunt (Fees of Sheriff Officers) 2004

Made - - - - - 29th November 2004
Laid before the Scottish
Parliament - - - - - 30th November 2004
Coming into force - - - - - 1st January 2005

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) 2004 and shall come into force on 1st January 2005.

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

Amendment of fees and regulations

2.—(1) Subject to sub-paragraph (3) 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(3).

(2) Subject to sub-paragraph (3) below, in regulation 5 of Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No.2) 2002 for “excluding postage, but including any recorded delivery costs exclusive of postage” there shall be substituted “including postage and any recorded delivery costs”.

(3) Sub-paragraphs (1) and (2) shall apply to work carried out by a sheriff officer on or after 1st January 2005 but shall not affect the fees payable as respects any work so carried out before that date.

(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.
(3) S.S.I. 2002/567 amended by S.S.I. 2003/538.

Status: *This is the original version (as it was originally made).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

Edinburgh
29th November 2004

CULLEN OF WHITEKIRK
Lord President I.P.D.

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SCHEDULE

Paragraph 2(1)

TABLE OF FEES

| Item | Summary Cause | | | Ordinary Cause | | |
|---|---------------|-------------|-------------|----------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| 1. Service | | | | | | |
| <i>or</i> | | | | | | |
| <i>intimation of</i> | | | | | | |
| <i>a document</i> | | | | | | |
| (a) | (a) Service | | | | | |
| (i) each person at a different address | 24.90 | 38.40 | 49.80 | 40.70 | 59.85 | 78.05 |
| (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 | 8.35 | 8.35 | 8.35 | 13.60 | 13.60 | 13.60 |
| (b) Postal service | 11.75 | 11.75 | 11.75 | 19.85 | 19.85 | 19.85 |
| (d) Postal diligence | 18.15 | 18.15 | 18.15 | 29.90 | 29.90 | 29.90 |
| 2. Interdicts | | | | | | |
| <i>(including</i> | | | | | | |
| <i>non-</i> | | | | | | |
| <i>harassment</i> | | | | | | |
| <i>orders under</i> | | | | | | |
| <i>the</i> | | | | | | |

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| Item | Summary Cause | | | Ordinary Cause | | |
|--|---------------|-------------|-------------|----------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| <i>Protection from Harassment Act 1997 and anti-social behaviour orders under the Crime and Disorder Act 1998)</i> | | | | | | |
| <i>Interdict(a) only</i> | | | | | | |
| (i) each person at a different address | | | | 112.00 | 112.00 | 112.00 |
| (ii) each additional person at the same address | | | | 24.65 | 24.65 | 24.65 |
| <i>Interdict(b) and service</i> | | | | | | |
| (i) each person at a different address | | | | 125.75 | 125.75 | 125.75 |
| (ii) each additional person at the same address | | | | 38.30 | 38.30 | 38.30 |
| 3. Attachments | | | | | | |
| Serving notice of entry | 5.50 | 5.50 | 5.50 | 8.45 | 8.45 | 8.45 |

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| Item | Summary Cause | | | Ordinary Cause | | |
|--|---------------|-------------|-------------|----------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| Arranging (b) attachment and endeavouring but being unable to execute the same for whatever reason | 43.35 | 43.35 | 43.35 | 63.40 | 63.40 | 63.40 |
| Arranging (c) and executing attachment where appraised value is – | | | | | | |
| (i) £523 or under | 74.25 | 74.25 | 74.25 | 74.25 | 74.25 | 74.25 |
| (ii) over £523 and up to £2,099 | 115.10 | 115.10 | 115.10 | 115.10 | 115.10 | 115.10 |
| (iii) over £2,099 and up to £21,140 – 10% of the appraised value | | | | | | |
| (iv) over £21,140 and up to £105,688 – 10% of the | | | | | | |

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| Item | Summary Cause | | | Ordinary Cause | | |
|---|---------------|-------------|-------------|----------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| first £21,140, 5% thereafter | | | | | | |
| (v) over £105,688 –10% of the first £21,140, 5% thereafter up to £105,688 and 1% thereafter | | | | | | |
| Reporting (d) attachment | 7.10 | 7.10 | 7.10 | 7.10 | 7.10 | 7.10 |
| 4. Attachment of motor vehicles, heavy plant or machinery | | | | | | |
| Arranging (a) and executing attachment where appraised value is – | | | | | | |
| (i) £523 or under | 74.25 | 74.25 | 74.25 | 74.25 | 74.25 | 74.25 |
| (ii) over £523 and up to £2,322 | 115.10 | 115.10 | 115.10 | 115.10 | 115.10 | 115.10 |
| (iii) over £2,322 and up to | | | | | | |

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| Item | Summary Cause | | | Ordinary Cause | | |
|--|---------------|-------------|-------------|----------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| £105,688 – 5% of the appraised value | | | | | | |
| (iv) over £105,688 – 5% of the first £105,688 and 1% thereafter | | | | | | |
| Reporting (b) attachment | 7.10 | 7.10 | 7.10 | 7.10 | 7.10 | 7.10 |
| 5. Sequestrations for rent, pounding of ground | | | | | | |
| Arranging (a) for the sequestration or pounding of the ground and endeavouring but being unable to execute same for whatever reason | 40.35 | 40.35 | 40.35 | 60.55 | 60.55 | 60.55 |
| Arranging (b) and effecting sequestration where the appraised | | | | | | |

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| Item | Summary Cause | | | Ordinary Cause | | |
|---|---------------|-------------|-------------|----------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| value is – | | | | | | |
| (i) £523 or under | 71.30 | 71.30 | 71.30 | | | |
| (ii) over £523 and up to £2,099 | 112.00 | 112.00 | 112.00 | | | |
| (iii) over £2,099 as 3(c) (iii) above | | | | | | |
| (a) arranging and effecting ordinary sequestrations or poinding of the ground | | | | 112.00 | 112.00 | 112.00 |
| (b) – as in item 1(a) or (b) above, as the case may be | | | | | | |
| 6. Auctions | | | | | | |
| (a) (i) 18.35 | 18.35 | 18.35 | 18.35 | 18.35 | 18.35 | 18.35 |
| (i) 18.35 arranging auction, preparing advertisement and | | | | | | |

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| Item | Summary Cause | | | Ordinary Cause | | |
|--|---------------|----------------------|-------------|----------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| | | giving public notice | | | | |
| (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 | | | | | | |
| (b) (i) Officer and witness attending auction but auction not executed for whatever reason | 40.35 | 40.35 | 40.35 | 60.55 | 60.55 | 60.55 |
| (ii) Officer and witness attending auction | 112.00 | 112.00 | 112.00 | 112.00 | 112.00 | 112.00 |
| 7. Ejections | | | | | | |
| Arranging an ejection | 40.35 | 40.35 | 40.35 | 60.55 | 60.55 | 60.55 |

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|--|---------------|-------------|-------------|----------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| Arranging (b) and executing ejection | 82.90 | 82.90 | 82.90 | 94.05 | 94.05 | 94.05 |
| 8. Taking possession of effects | | | | | | |
| Arranging (a) possession | 40.35 | 40.35 | 40.35 | 60.55 | 60.55 | 60.55 |
| Arranging (b) and effecting possession | 82.90 | 82.90 | 82.90 | 112.00 | 112.00 | 112.00 |
| 9. Apprehensions | | | | | | |
| Arranging (a) apprehension | | | | 60.55 | 60.55 | 60.55 |
| Arranging (b) and apprehending | | | | 112.00 | 112.00 | 112.00 |
| 10. Taking possession of a child | | | | | | |
| Arranging (a) to take possession | | | | 60.55 | 60.55 | 60.55 |
| Arranging (b) and taking possession of a child | | | | 112.00 | 112.00 | 112.00 |
| 11. Arresting vessels, aircraft and cargo | | | | | | |
| Arranging (a) to arrest | 40.35 | 40.35 | 40.35 | 60.55 | 60.55 | 60.55 |
| Arranging (b) and | 101.85 | 101.85 | 101.85 | 185.15 | 185.15 | 185.15 |

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|---|---------------|-------------|-------------|----------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| effecting arrestment | | | | | | |
| 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 | 14.00 | 14.00 | 14.00 | 14.00 | 14.00 | 14.00 |
| Giving (b) any receipt required to be issued under the Act of 1987 or the Act of 2002 | 7.10 | 7.10 | 7.10 | 7.10 | 7.10 | 7.10 |
| Arranging (c) locksmith or tradesman to be | 4.55 | 4.55 | 4.55 | 4.55 | 4.55 | 4.55 |

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|---|---------------|-------------|-------------|----------------|-------------|-------------|
| | Band 1 £ | Band 2 £ | Band 3 £ | Band 1 £ | Band 2 £ | Band 3 £ |
| in attendance | | | | | | |
| G (d) (d) 14.00 | 14.00 | 14.00 | 14.00 | 14.00 | 14.00 | 14.00 |
| certificate of displenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor | | | | | | |
| Ex (e) 14.00 | 14.00 | 14.00 | 14.00 | 14.00 | 14.00 | 14.00 |
| warrant to open lockfast places | | | | | | |
| (f) (f) Time | | | | | | |
| (i) with witness | | | | | | |
| – £22.50 per unit | | | | | | |
| (ii) without witness | | | | | | |
| – £16.80 per unit | | | | | | |
| (g) (g) Photocopies | | | | | | |

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| <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) first page document – £1.60 | | | | | | |
| (ii) subsequent pages – per page – £0.80 | | | | | | |

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 by increasing the fees payable to sheriff officers by 3.7% with effect from 1st January 2005. It also amends the general regulations set out in that Schedule so as to entitle sheriff officers to payment under those regulations in respect of postage.