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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 583**

**SHERIFF COURT**

**Act of Sederunt (Fees of Sheriff Officers) 2005**

*Made* - - - - - *10th November 2005*  
*Laid before the Scottish*  
*Parliament* - - - - - *18th November 2005*  
*Coming into force* - - - - - *1st January 2006*

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) 2005 and shall come into force on 1st January 2006.

(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(3).

(2) Sub-paragraph (1) shall apply to work carried out by a sheriff officer on or after 1st January 2006 but shall not affect the fees payable as respects any work so carried out before that date.

Edinburgh  
10th November 2005

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

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(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 and S.S.I. 2004/513.

**Status:** This is the original version (as it was originally made).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	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
1.						
<i>Service or intimation of a document</i>						
(a) (a) Service						
(i) each person at a different address	25.75	39.70	51.50	42.10	61.90	80.75
(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	8.65	8.65	8.65	14.05	14.05	14.05
(P)ostal (b) service	2.15	12.15	12.15	20.55	20.55	20.55
(P)ostal (d) diligence	8.80	18.80	18.80	30.95	30.95	30.95

2.

*Interdicts (including non-*

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Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
<i>harassment orders under the Protection from Harassment Act 1997 and anti-social behaviour orders under the Crime and Disorder Act 1998)</i>						
<i>In(t)e</i> dict(a) only						
(i) each person at a different address				115.85	115.85	115.85
(ii) each additional person at the same address				25.50	25.50	25.50
<i>In(t)e</i> dict(b) and service						
(i) each person at a different address				130.10	130.10	130.10
(ii) each additional person at the same address				39.60	39.60	39.60
3.						
<i>Attachments</i>						

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Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
Serving (a) notice of entry	5.70	5.70	5.70	8.75	8.75	8.75
Arranging (b) attachment and endeavouring but being unable to execute the same for whatever reason	44.85	44.85	44.85	65.60	65.60	65.60
Arranging (c) and executing attachment where appraised value is—						
(i) £541 or under	76.80	76.80	76.80	76.80	76.80	76.80
(ii) over £541 and up to £2,171	119.05	119.05	119.05	119.05	119.05	119.05
(iii) over £2,171 and up to £21,869 – 10% of the appraised value						
(iv) over £21,869 and						

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Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
up to £109,334 – 10% of the first £21,869, 5% thereafter						
(v) over £109,334 –10% of the first £21,869, 5% thereafter up to £109,334 and 1% thereafter						
Reporting (d) attachment	7.35	7.35	7.35	7.35	7.35	7.35
4. <i>Attachment of motor vehicles, heavy plant or machinery</i>						
Arranging (a) and executing attachment where appraised value is–						
(i) £541 or under	76.80	76.80	76.80	76.80	76.80	76.80
(ii) over £541 and up to £2,402	119.05	119.05	119.05	119.05	119.05	119.05

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Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
(iii) over £2,402 and up to £109,334 – 5% of the appraised value						
(iv) over £109,334 – 5% of the first £109,334 and 1% thereafter						
Reporting (b) attachment	7.35	7.35	7.35	7.35	7.35	7.35
5. <i>Sequestrations for rent, pounding of ground</i>						
Arranging (a) for the sequestration or pounding of the ground and endeavouring but being unable to execute same for whatever reason	41.75	41.75	41.75	62.65	62.65	62.65

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Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
Arranging (b) and effecting sequestration where the appraised value is—						
(i) £541 or under	73.75	73.75	73.75			
(ii) over £541 and up to £2,171	115.85	115.85	115.85			
(iii) over £2,171 as 3(c) (iii) above						
Arranging (c) and effecting ordinary sequestrations or pouding of the ground				115.85	115.85	115.85
(d) — as in item 1(a) or (b) above, as the case may be						

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Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
6.						
<i>Auctions</i>						
(a)	(i) Arranging auction, preparing advertisement and giving public notice	19.00	19.00	19.00	19.00	19.00
(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	41.75	41.75	62.65	62.65	62.65
(ii)	Officer and	115.85	115.85	115.85	115.85	115.85



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Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
witness attending auction						
7.						
<i>Ejections</i>						
Arranging (a) ejection	41.75	41.75	41.75	62.65	62.65	62.65
Arranging (b) and executing ejection	85.75	85.75	85.75	97.30	97.30	97.30
8.						
<i>Taking possession of effects</i>						
Arranging (a) possession	41.75	41.75	41.75	62.65	62.65	62.65
Arranging (b) and effecting possession	85.75	85.75	85.75	115.85	115.85	115.85
9.						
<i>Apprehensions</i>						
Arranging (a) apprehension				62.65	62.65	62.65
Arranging (b) and apprehending				115.85	115.85	115.85
10.						
<i>Taking possession of a child</i>						
Arranging (a) to take possession				62.65	62.65	62.65
Arranging (b) and taking possession of				115.85	115.85	115.85

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Item	Summary Cause			Ordinary Cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	£	£	£	£	£	£
each child						
11.						
<i>Arresting vessels, aircraft and cargo</i>						
Arranging (a) to arrest	1.75	41.75	41.75	62.65	62.65	62.65
Arranging (b) and effecting arrestment	105.35	105.35	105.35	191.55	191.55	191.55
12.						
<i>Miscellaneous</i>						
Making (a) any report or application under the Act of 1987 or the Act of 2002 with the exception of reporting an attachment	4.50	14.50	14.50	14.50	14.50	14.50
Giving (b) any receipt required to be issued under	7.35	7.35	7.35	7.35	7.35	7.35

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Item	Summary Cause			Ordinary Cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	£	£	£	£	£	£
the Act of 1987 or the Act of 2002						
Arranging (e) locksmith or tradesman to be in attendance	4.70	4.70	4.70	4.70	4.70	4.70
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	14.50	14.50	14.50	14.50	14.50	14.50
Executing (e) warrant to open lockfast places	14.50	14.50	14.50	14.50	14.50	14.50

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Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
(f) (f) Time						
(i) with witness						
–						
£23.30						
per unit						
(ii) without witness						
–						
£17.40						
per unit						
(g) (g) Photocopies						
(i) first page document						
–						
£1.65						
(ii) subsequent pages						
– per page –						
£0.85						

### EXPLANATORY NOTE

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

This Act of Sederunt amends the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002 by increasing the fees payable to sheriff officers by 3.45% with effect from 1st January 2006.