SCOTTISH STATUTORY INSTRUMENTS

# 2004 No. 515

# COURT OF SESSION

## Act of Sederunt (Fees of Messengers-at-Arms) 2004

| | |
|---|---|
| *Made - - - -* | *29th 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 6 of the Execution of Diligence (Scotland) Act 1926(**1**), section 5 of the Court of Session Act 1988(**2**) and of all other powers enabling them in that behalf, with the concurrence of the Lord Lyon King of Arms do hereby enact and declare:

### Citation and commencement

**1.**—(1) This Act of Sederunt may be cited as the Act of Sederunt (Fees of Messengers-at-Arms) 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 Messengers-at-Arms) (No.2) 2002(**3**).

(2) Subject to sub-paragraph (3) below, regulation 5 of Schedule 1 to the Act of Sederunt (Fees of Messengers-at-Arms) (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 messenger-at-arms on or after 1st January 2005 but shall not affect the fees payable as respects any work so carried out before that date.

(**1**) 1926 c. 16.
(**2**) 1988 c. 36.
(**3**) S.S.I. 2002/566 amended by S.S.I. 536.

Edinburgh
29th November 2004

*CULLEN OF WHITEKIRK*
Lord President I.P.D.

SCHEDULE

Paragraph 2

TABLE OF FEES

| *Item* | *Band 1* £ | *Band 2* £ | *Band 3* £ |
|---|---|---|---|
| **1.** *Service or intimation of a document* | | | |
| (a) (a) Service | | | |
| (i) each person at a different address | 45.10 | 76.55 | 96.65 |
| (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 | 15.10 | 15.10 | 15.10 |
| (b) (b) Postal service | 21.80 | 21.80 | 21.80 |
| (c) (c) Postal diligence | 33.15 | 33.15 | 33.15 |
| **2.** *Inhibitions* | | | |
| (a) (a) Inhibition only | | | |
| (i) each person at a different address | 47.50 | 76.55 | 96.65 |
| (ii) each additional person at the same address | 24.65 | 24.65 | 24.65 |
| (b) (b) Inhibition and service | | | |
| (i) each person at a different address | 62.55 | 91.45 | 112.00 |
| (ii) each additional person at a the same address | 39.75 | 39.75 | 39.75 |
| (c) (c) Inhibition, service and interdict | | | |

| *Item* | *Band 1* £ | *Band 2* £ | *Band 3* £ |
|---|---|---|---|
| (i) each person at a different address | 151.80 | 151.80 | 151.80 |
| (ii) each additional person at the same address | 64.55 | 64.55 | 64.55 |
| **3.** *Interdicts (including non-harassment orders under the Protection from Harassment Act 1997 and anti-social behaviour orders under the Crime and Disorder Act 1998)* | | | |
| (a) (a) Interdict only | | | |
| (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 |
| (b) (b) Interdict and service | | | |
| (i) each person at a different address | 127.10 | 127.10 | 127.10 |
| (ii) each additional person at the same address | 39.75 | 39.75 | 39.75 |
| (c) (d) Interdict, service and inhibition | | | |
| (i) each person at a different address | 151.80 | 151.80 | 151.80 |
| (ii) each additional person at the same address | 64.55 | 64.55 | 64.55 |
| **4.** *Attachments* | | | |
| (a) (a) Serving notice of entry | 8.45 | 8.45 | 8.45 |
| (b) (b) Arranging attachment and | 63.40 | 63.40 | 63.40 |

| *Item* | *Band 1* £ | *Band 2* £ | *Band 3* £ |
|---|---|---|---|
| endeavouring but being unable to execute same for whatever reason | | | |
| (c) (a) arranging and executing attachment where appraised value is– | | | |
| (i) £523 or under | 74.25 | 74.25 | 74.25 |
| (ii) over £523 and up to £2,099 | 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 first £21,140, 5% thereafter | | | |
| (v) over £105,688 – 10% of the first £21,140, 5% thereafter up to £105,688 and 1% thereafter | | | |
| (d) (b) reporting attachment | 7.10 | 7.10 | 7.10 |
| **5.** *Attachment of motor vehicle, heavy plant or machinery* | | | |
| (a) (a) arranging and executing attachment where appraised value is– | | | |
| (i) £523 or under | 74.25 | 74.25 | 74.25 |

| *Item* | *Band 1* £ | *Band 2* £ | *Band 3* £ |
|---|---|---|---|
| (ii) over £523 and up to £2,322 | 115.10 | 115.10 | 115.10 |
| (iii) over £2,322 and up to £105,688 –5% of the appraised value | | | |
| (iv) over £105,688 – 5% of the first £105,688 and 1% thereafter | | | |
| (b) (i) Reporting attachment | 7.10 | 7.10 | 7.10 |
| **6.** *Sequestrations for rent, poinding of the ground* | | | |
| (a) (i) Arranging for the sequestration or poinding of the ground and endeavouring but being unable to execute same for whatever reason | 60.55 | 60.55 | 60.55 |
| (b) (i) Arranging and effecting sequestration or poinding of the ground | 112.00 | 112.00 | 112.00 |
| **7.** *Auctions* | | | |
| (a) (i) Arranging auction, preparing advertisement and giving public notice | 18.35 | 18.35 | 18.35 |
| (ii) Serving copy of auction and intimating the place and date of auction and | | | |

| *Item* | *Band 1* £ | *Band 2* £ | *Band 3* £ |
|---|---|---|---|
| if necessary the date of removal of attached effects – as in item 1(a) or (b) above, as the case may be | | | |
| (b) (i) Officer and witness attending auction and being unable to execute same for whatever reason | 60.55 | 60.55 | 60.55 |
| (ii) Officer and witness attending auction sale | 112.00 | 112.00 | 112.00 |
| **8.** *Ejections* | | | |
| (a) (a) arranging ejection | 60.55 | 60.55 | 60.55 |
| (b) (b) arranging and executing ejection | 94.10 | 94.10 | 94.10 |
| **9.** *Taking possession of effects* | | | |
| (a) (a) arranging possession | 60.55 | 60.55 | 60.55 |
| (b) (b) arranging and effecting possession | 112.00 | 112.00 | 112.00 |
| **10.** *Apprehensions* | | | |
| (a) (a) arranging apprehension | 60.55 | 60.55 | 60.55 |
| (b) (b) arranging and apprehending | 112.00 | 112.00 | 112.00 |

| *Item* | *Band 1* £ | *Band 2* £ | *Band 3* £ |
|---|---|---|---|
| **11.** *Taking possession of children* | | | |
| (a) (a) Arranging to take possession | 60.55 | 60.55 | 60.55 |
| (b) (b) Taking possession of each child | 112.00 | 112.00 | 112.00 |
| **12.** *Arresting vessels, aircraft and cargo* | | | |
| (a) (a) Arranging to arrest | 60.55 | 60.55 | 60.55 |
| (b) (b) Arranging and effecting arrestment | 185.15 | 185.15 | 185.15 |
| **13.** *Miscellaneous* | | | |
| (a) (a) Making 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 |
| (b) (b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002 | 7.10 | 7.10 | 7.10 |
| (c) (c) Arranging locksmith or tradesman to be in attendance | 4.55 | 4.55 | 4.55 |
| (d) (d) Granting certificate of displenishment or providing | 14.00 | 14.00 | 14.00 |

| *Item* | *Band 1* £ | *Band 2* £ | *Band 3* £ |
|---|---|---|---|
| any other certificate or report, registering any document or making any application to a court or the creditor | | | |
| (e) (e) Executing warrant to open lockfast places | 14.00 | 14.00 | 14.00 |
| (f) (f) Time | | | |
| (i) with witness – £22.50 per unit | | | |
| (ii) without witness – £16.80 per unit | | | |
| (g) (g) Photocopies | | | |
| (i) first page of 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 Messengers-at-Arms) (No.2) 2002 by increasing the fees payable to messengers-at-arms by 3.7% with effect from 1st January 2005. It also amends the general regulations set out in that Schedule so as to entitle messengers-at-arms to payment under those regulations in respect of postage.