
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 532

COURT OF SESSION

Act of Sederunt (Fees of Messengers-at-Arms) 2007

Made - - - - - *27th November 2007*

Coming into force - - - *1st January 2008*

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) 2007 and shall come into force on 1st January 2008.

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

Amendment of fees

2.—(1) Subject to subparagraph (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 Messengers at Arms) (No. 2) 2002(3).

(2) Subparagraph (1) shall apply to work carried out by a messenger-at-arms on or after 1st January 2008 but shall not affect the fees payable as respects any work so carried out before that date.

Edinburgh
27th November 2007

A C HAMILTON
Lord President I.P.D.

(1) 1926 c. 16. Section 6 will be amended by paragraph 7(4) of schedule 5 to the Bankruptcy and Diligence etc. (Scotland) Act 2007 when that provision is brought into force.
(2) 1988 c. 36.
(3) S.S.I. 2002/566, amended by S.S.I. 2003/536, S.S.I. 2004/515, S.S.I. 2005/582 and S.S.I. 2006/540.

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SCHEDULE

Paragraph 2

TABLE OF FEES

<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
1. Service or intimation of a document			
(a) (a) Service			
(i) each person at a different address	50.10	85.00	107.35
(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	16.75	16.75	16.75
(b) (b) Postal service			
(i) each person at a different address	24.20	24.20	24.20
(c) (c) Postal diligence			
(i) each person at a different address	36.85	36.85	36.85
2. Inhibitions			
(a) (a) Inhibition only			
(i) each person at a different address	52.75	85.00	107.35
(ii) each additional person at the same address	27.35	27.35	27.35
(b) (b) Inhibition and service			
(i) each person at a different address	69.45	101.55	124.30
(ii) additional person at the same address	44.15	44.15	44.15
(c) (c) Inhibition, service and interdict			
(i) each person at a different address	168.55	168.55	168.55

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<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
(ii) each additional person at the same address	71.70	71.70	71.70
3. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997)			
(a) Interdict only			
(i) each person at a different address	124.30	124.30	124.30
(ii) each additional person at the same address	27.35	27.35	27.35
(b) Interdict and service			
(i) each person at a different address	141.15	141.15	141.15
(ii) each additional person at the same address	44.15	44.15	44.15
(c) Interdict, service and inhibition			
(i) each person at a different address	168.55	168.55	168.55
(ii) each additional person at the same address	71.70	71.70	71.70
4. Attachments			
(a) Serving notice of entry	9.40	9.40	9.40
(b) Arranging attachment and endeavouring but being unable to execute same for whatever reason	70.40	70.40	70.40
(c) Arranging and executing			

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<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
attachment where appraised value is–			
(i) £580 or under	82.40	82.40	82.40
(ii) over £580 and up to £2,330	127.80	127.80	127.80
(iii) over £2,330 and up to £23,472 – 10% of the appraised value			
(iv) over £23,472 and up to £117,348 – 10% of the first £23,472, 5% thereafter			
(v) over £117,348 – 10% of the first £23,472, 5% thereafter up to £117,348 and 1% thereafter			
(d) (b) Reporting attachment	7.85	7.85	7.85
5. Attachment of motor vehicle, heavy plant or machinery			
(a) (A) Arranging and executing attachment where appraised value is–			
(i) £580 or under	82.40	82.40	82.40
(ii) over £580 and up to £2,578	127.80	127.80	127.80
(iii) over £2,578 and up to £117,348 – 5% of the appraised value			
(iv) over £117,348 – 5% of the first £117,348 and 1% thereafter			

<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
(b) (b) Reporting attachment	7.85	7.85	7.85
6. Sequestrations for rent, pointing of the ground			
(a) (a) Arranging for the sequestration or pointing of the ground and endeavouring but being unable to execute same for whatever reason	67.25	67.25	67.25
(b) (b) Arranging and effecting sequestration or pointing of the ground	124.30	124.30	124.30
7. Auctions			
(a) (a) (i) Arranging auction, preparing advertisement and giving public notice	20.40	20.40	20.40
(ii) Serving copy of warrant of auction and intimating the place and date of auction and if necessary the date of removal of attached effects – as in item 1(a) or (b) above, as the case may be			
(b) (b) (i) Officer and	67.25	67.25	67.25

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<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
witness attending auction and being unable to execute same for whatever reason			
(ii) Officer and witness attending auction sale	124.30	124.30	124.30
8. Ejections			
(a) (a) Arranging ejection	67.25	67.25	67.25
(b) (b) Arranging and executing ejection	104.50	104.50	104.50
9. Taking possession of effects			
(a) (a) Arranging possession	67.25	67.25	67.25
(b) (b) Arranging and effecting possession	124.30	124.30	124.30
10. Apprehensions			
(a) (a) Arranging apprehension	67.25	67.25	67.25
(b) (b) Arranging and apprehending	124.30	124.30	124.30
11. Taking possession of children			
(a) (a) Arranging to take possession	67.25	67.25	67.25
(b) (b) Taking possession of each child	124.30	124.30	124.30
12. Arresting vessels, aircraft and cargo			

<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
(a) (A) Arranging to arrest	67.25	67.25	67.25
(b) (B) Arranging and effecting arrestment	205.60	205.60	205.60
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	15.55	15.55	15.55
(b) (b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	7.85	7.85	7.85
(c) (A) Arranging locksmith or tradesman to be in attendance	5.00	5.00	5.00
(d) (d) Granting certificate of dispenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor	15.55	15.55	15.55
(e) (E) Executing warrant to	15.55	15.55	15.55

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<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
open lockfast places			
(f) (f) Time			
(i) with witness			
–			
£25.00			
per unit			
(ii) without witness			
– £18.70 per unit			
(g) (g) Photocopies			
(i) first page of document –			
£1.75			
(ii) subsequent pages			
– per page –			
£0.95			

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 Messengers at Arms) (No. 2) 2002, by increasing the fees payable to messengers at arms by 3.6% with effect from 1st January 2008.