
STATUTORY INSTRUMENTS

1996 No. 2858 (S.220)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Fees of Sheriff Officers) 1996

<i>Made</i>	- - - -	<i>12th November 1996</i>
<i>Laid before Parliament</i>		<i>2nd December 1996</i>
<i>Coming into force</i>	- -	<i>1st January 1997</i>

The Lords of Council and Session, under and by virtue of the powers conferred on 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) 1996 and shall come into force on 1st January 1997.

(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) 1994⁽³⁾ and shall apply to work carried out by a sheriff officer on or after the date on which this Act of Sederunt comes into force.

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

(1) 1907 c. 51; section 40 as amended by section 1(3) of the Secretaries of State Act 1926 (c. 18), by the Schedule to the Administration of Justice (Scotland) Act 1933 (c. 41) and by paragraph 7 of Schedule 1 to and Schedule 2 to the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12).

(2) 1926 c. 16.

(3) S.I. 1994/392, as amended by S.I. 1994/3267 and S.I. 1995/3095.

Status: This is the original version (as it was originally made).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

Edinburgh
12th November 1996

Rodger of Earlsferry
Lord President
I.P.D.

SCHEDULE

Para.2(1).

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>
1.	<i>Service or intimation of a document</i>						
(a)	Service						
	(i) each person at a different address	£19.05	£29.35	£38.00	£31.15	£45.75	£59.60
	(ii) each additional person at the same address or additional copy required to be served or intimated under the Act of 1987	£6.40	£6.40	£6.40	£10.40	£10.40	£10.40
(b)	Postal service	£9.20	£9.20	£9.20	£15.35	£15.35	£15.35
(c)	Postal diligence	£14.05	£14.05	£14.05	£23.10	£23.10	£23.10
2.	<i>Interdicts</i>						
(a)	Interdict only						
	(i) each person at a different address				£85.60	£85.60	£85.60
	(ii) each additional person at the same address				£18.80	£18.80	£18.80

Status: This is the original version (as it was originally made).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

	<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)	Interdict and service						
	(i) each person at a different address				£96.10	£96.10	£96.10
	(ii) each additional person at the same address				£29.25	£29.25	£29.25
3.	<i>Poindings</i>						
(a)	Serving notice of entry	£4.20	£4.20	£4.20	£6.45	£6.45	£6.45
(b)	Arranging poinding and endeavouring, but being unable, to execute it for whatever reason	£33.10	£33.10	£33.10	£48.50	£48.50	£48.50
(c)	Arranging and executing poinding where appraised value is—						
	(i) £399 or under	£56.75	£56.75	£56.75	£56.75	£56.75	£56.75
	(ii) over £399 and up to £1,605	£87.90	£87.90	£87.90	£87.90	£87.90	£87.90
	(iii) Over £1,605 and up to £16,156 —10%						

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

	<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>
	of the appraised value only						
	(iv) Over £16,156 and up to £80,771 —10% of the first £16,156, 5% thereafter up to £80,771 of the appraised value						
	(v) Over £80,771 —10% of the first £16,156, 5% thereafter up to £80,771 and 1% of the appraised value over £80,771						
(d)	Reporting poinding	£5.45	£5.45	£5.45	£5.45	£5.45	£5.45
4.	<i>Poindings of motor vehicles, heavy plant or machinery</i>						
(a)	Arranging and executing poinding where appraised value is—						

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

	<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) £399 or under	£56.75	£56.75	£56.75	£56.75	£56.75	£56.75
	(ii) Over £399 and up to £1,775	£87.90	£87.90	£87.90	£87.90	£87.90	£87.90
	(iii) Over £1,775 and up to £80,771—5% of the appraised value only						
	(iv) Over £80,771—5% of the first £80,771, and 1% thereafter of the appraised value						
(b)	Reporting poinding	£5.45	£5.45	£5.45	£5.45	£5.45	£5.45
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 it for whatever reason	£30.85	£30.85	£30.85	£46.30	£46.30	£46.30

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

	<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)	Arranging and effecting sequestration where the appraised value is—						
	(i) £399 or under	£54.50	£54.50	£54.50			
	(ii) Over £399 and up to £1,605	£85.60	£85.60	£85.60			
	(iii) Over £1,605 as 3(c)(iii) above						
(c)	Arranging and effecting ordinary sequestration or poinding of the ground				£85.60	£85.60	£85.60
(d)	Service — as in item 1(a) or (b) above, as the case may be						
6.	<i>Sales</i>						
(a)	(i) Application for warrant of sale or variation of a warrant of sale	£8.90	£8.90	£8.90	£8.90	£8.90	£8.90
	(ii) Intimating application — as in item						

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

	<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>
	1(a) or (b) above, as the case may be						
(b)	(i) Arranging warrant sale, preparing advertisement and giving public notice	£14.00	£14.00	£14.00	£14.00	£14.00	£14.00
	(ii) Serving copy of warrant of sale and intimating the place and date of sale and if necessary the date of removal of pointed effects — as in item 1(a) or (b) above, as the case may be						
(c)	Officer attending warrant sale conducted by auctioneer	£24.35	£41.25	£52.10	£24.35	£41.25	£52.10
(d)	(i) Officer and witness attending warrant sale and being unable to execute	£30.85	£30.85	£30.85	£46.30	£46.30	£46.30

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

	<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>
	it for whatever reason						
	(ii) Officer and witness conducting sale where the appraised value is £399 or under	£54.50	£54.50	£54.50	£54.50	£54.50	£54.50
	(iii) Over £399	£85.60	£85.60	£85.60	£85.60	£85.60	£85.60
7.	<i>Ejections</i>						
(a)	Arranging ejection	£30.85	£30.85	£30.85	£46.30	£46.30	£46.30
(b)	Arranging and executing ejection	£63.35	£63.35	£63.35	£71.90	£71.90	£71.90
8.	<i>Taking possession of effects</i>						
(a)	Arranging possession	£30.85	£30.85	£30.85	£46.30	£46.30	£46.30
(b)	Arranging and effecting possession	£63.35	£63.35	£63.35	£85.60	£85.60	£85.60
9.	<i>Apprehensions</i>						
(a)	Arranging apprehension				£46.30	£46.30	£46.30
(b)	Arranging and apprehending				£85.60	£85.60	£85.60
10.	<i>Taking possession of children</i>						

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

	<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>
(a)	Arranging to take possession				£46.30	£46.30	£46.30
(b)	Arranging and taking possession of each child				£85.60	£85.60	£85.60
11.	<i>Arresting vessels, aircraft and cargo</i>						
(a)	Arranging to arrest	£30.85	£30.85	£30.85	£46.30	£46.30	£46.30
(b)	Arranging and effecting arrestment	£77.80	£77.80	£77.80	£141.50	£141.50	£141.50
12.	<i>Miscellaneous</i>						
(a)	Making any report or application under the Act of 1987 with the exception of reporting a poinding	£10.70	£10.70	£10.70	£10.70	£10.70	£10.70
(b)	Granting any receipt required to be issued under the Act of 1987	£5.45	£5.45	£5.45	£5.45	£5.45	£5.45
(c)	Arranging for locksmith or tradesman to be in attendance	£3.45	£3.45	£3.45	£3.45	£3.45	£3.45

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

	<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>
(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	£10.70	£10.70	£10.70	£10.70	£10.70	£10.70
(e)	Executing warrant to open lockfast places	£10.70	£10.70	£10.70	£10.70	£10.70	£10.70
(f)	Time						
	(i) with witness— £17.15 per unit						
	(ii) without witness— £12.80 per unit						
(g)	Photocopies						
	(i) first page of document — £1.20						
	(ii) subsequent pages— per page —£0.55.						

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

EXPLANATORY NOTE

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

This Act of Sederunt amends the Act of Sederunt (Fees of Sheriff Officers) 1994 ([S.I. 1994/392](#)) by increasing the fees payable to Sheriff Officers by about 3%. The last increase was in the Act of Sederunt (Fees of Sheriff Officers) 1995 ([S.I. 1995/3095](#)).