
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 439

SHERIFF COURT

Act of Sederunt (Fees of Sheriff Officers) 2001

Made - - - - 27th November 2001
Laid before the Scottish
Parliament - - - - 29th November 2001
Coming into force - - 1st January 2002

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) 2001 and shall come into force on 1st January 2002.

(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, S.I. 1995/3095, S.I. 1996/2858, S.I. 1997/2824, S.I. 1998/2669, S.S.I. 1999/150 and S.S.I. 2000/419.

Status: *This is the original version (as it was originally made).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

Edinburgh
27th November 2001

W. Douglas Cullen
Lord President I.P.D.

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 or intimation of a document						
(a) (a) service		£35.00	£45.30	£37.10	£54.50	£71.05
(i) each person at a different address						
(ii) each additional person at the same address or additional copy required to be served or intimated under the Act of 1987	£7.60	£7.60	£7.60	£12.40	£12.40	£12.40
(b) Postal service	£10.95	£10.95	£10.95	£18.30	£18.30	£18.30
(c) Postal diligence	£16.75	£16.75	£16.75	£27.50	£27.50	£27.50
2. Interdicts						
Interdict only				£102.00	£102.00	£102.00
(i) each person at a						

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Item	Summary Cause			Ordinary Cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	different address					
(ii) each additional person at the same address				£22.40	£22.40	£22.40
Interdict(b) and service				£114.50	£114.50	£114.50
(i) each person at a different address						
(ii) each additional person at the same address				£34.90	£34.90	£34.90
3. Poindings						
Serving(a) notice of entry	£5.00	£5.00	£5.00	£7.70	£7.70	£7.70
Arranging(b) pointing and endeavouring, but being unable, to execute it for whatever reason	£39.45	£39.45	£39.45	£57.75	£57.75	£57.75
Arranging(c) and executing pointing where	£67.65	£67.65	£67.65	£67.65	£67.65	£67.65

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Item	Summary Cause			Ordinary Cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
appraised value is—						
(i) £476 or under						
(ii) Over £476 and up to £1,911	£104.80	£104.80	£104.80	£104.80	£104.80	£104.80
(iii) Over £1,911 and up to £19,253 – 10% of the appraised value						
(iv) Over £19,253 and up to £96,254 – 10% of the first £19,253, and 5% thereafter						
(v) Over £96,254 – 10% of the first £19,253, 5% thereafter up to £96,254 and 1% thereafter						
Reporting (£6.50 pending)	£6.50	£6.50	£6.50	£6.50	£6.50	£6.50

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Item	Summary Cause			Ordinary Cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
4. <i>Poundings of motor vehicles, heavy plant or machinery</i>						
Arranging (a) £67.65	£67.65	£67.65	£67.65	£67.65	£67.65	£67.65
and executing pounding where appraised value is—						
(i) £476 or under						
(ii) Over £476 and up to £2,115	£104.80	£104.80	£104.80	£104.80	£104.80	£104.80
(iii) Over £2,115 and up to £96,254 – 5% of the appraised value						
(iv) Over £96,254 – 5% of the first £96,254, and 1% thereafter						
Reporting (b) £6.50	£6.50	£6.50	£6.50	£6.50	£6.50	£6.50
pounding						
5. <i>Sequestrations for rent,</i>						

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Item	Summary Cause			Ordinary Cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
<p><i>pounding of ground</i></p> <p>Arranging (a) for the sequestration or pounding of the ground and endeavouring, but being unable, to execute it for whatever reason</p>	£36.75	£36.75	£36.75	£55.15	£55.15	£55.15
<p>Arranging (b) and effecting sequestration where the appraised value is—</p> <p>(i) £476 or under</p> <p>(ii) Over £476 and up to £1,911</p> <p>(iii) Over £1,911 as in item 3(c)(ii) above</p>	£64.90	£64.90	£64.90			
<p>Arranging (c) and</p>				£102.00	£102.00	£102.00

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Item	Band 1	Summary Cause		Band 1	Ordinary Cause	
		Band 2	Band 3		Band 2	Band 3
	effecting ordinary sequestration or pouncing of the ground					
	Service(d) – as in item 1(a) or (b) above, as the case may be					
6. Sales						
(a)	(i) Application for warrant of sale or variation of warrant of sale	£10.65	£10.65	£10.65	£10.65	£10.65
	(ii) Intimating application – as in item 1(a) or (b) above, as the case may be					
(b)	(i) Granting warrant sale,	£16.70	£16.70	£16.70	£16.70	£16.70

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Item	Summary Cause			Ordinary Cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	preparing advertisement and giving public notice					
(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 alone conducted by auctioneer	£29.00	£49.20	£62.10	£29.00	£49.20	£62.10
(d) (i) Officer and witness attending warrant sale	£36.75	£36.75	£36.75	£55.15	£55.15	£55.15

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Item	Summary Cause			Ordinary Cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	and being unable to execute it for whatever reason					
(ii) Officer and witness conducting sale where the appraised value is £476 or under	£64.90	£64.90	£64.90	£64.90	£64.90	£64.90
(iii) And where it is over £476	£102.00	£102.00	£102.00	£102.00	£102.00	£102.00
7. Ejections						
Arranging (a) ejection	£36.75	£36.75	£36.75	£55.15	£55.15	£55.15
Arranging (b) and executing ejection	£75.50	£75.50	£75.50	£85.65	£85.65	£85.65
8. Taking possession of effects						
Arranging (a) possession	£36.75	£36.75	£36.75	£55.15	£55.15	£55.15
Arranging (b) and effecting possession	£75.50	£75.50	£75.50	£102.00	£102.00	£102.00
9. Apprehensions						

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Item	Summary Cause			Ordinary Cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
Arranging (a) apprehension				£55.15	£55.15	£55.15
Arranging (b) and apprehending				£102.00	£102.00	£102.00
10. Taking possession of children						
Arranging (a) to take possession				£55.15	£55.15	£55.15
Arranging (b) and taking possession of each child				£102.00	£102.00	£102.00
11. Arresting vessels, aircraft and cargo						
Arranging (a) to arrest	£36.75	£36.75	£36.75	£55.15	£55.15	£55.15
Arranging (b) and effecting arrestment	£92.75	£92.75	£92.75	£168.60	£168.60	£168.60
12. Miscellaneous						
Making (a) any report or application under the Act of 1987 with the exception of	£12.75	£12.75	£12.75	£12.75	£12.75	£12.75

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Item	Band 1	Summary Cause		Ordinary Cause		
		Band 2	Band 3	Band 1	Band 2	Band 3
reporting a poinding						
Gf(b)ting (b) £6.50	£6.50	£6.50	£6.50	£6.50	£6.50	£6.50
any receipt required to be issued under the Act of 1987						
Arranging (c) £4.15	£4.15	£4.15	£4.15	£4.15	£4.15	£4.15
for locksmith or tradesman to be in attendance						
Gf(d)ting (d) £12.75	£12.75	£12.75	£12.75	£12.75	£12.75	£12.75
certificate of displenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor						

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Item	Summary Cause			Ordinary Cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
Executing (a) warrant to open lockfast places	£12.75	£12.75	£12.75	£12.75	£12.75	£12.75
(f) (f) Time						
(i) with witness						
–						
£20.50 per unit						
(ii) without witness						
–						
£15.30 per unit						
(g) (g) Photocopies						
(i) first page of document						
–						
£1.45						
(ii) subsequent pages						
– per page –						
£0.70						

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 3.25%.

The last increase was in the Act of Sederunt (Fees of Sheriff Officers) 2000 (S.S.I. 2000/419).

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