

**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(a), section 6 of the Execution of Diligence (Scotland) Act 1926(b) 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(c) 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.

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

Edinburgh  
27th November 2001

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(a) 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).  
(b) 1926 c.16.  
(c) 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.

SCHEDULE  
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) <i>Service</i>						
(i) each person at a different address	£22.65	£35.00	£45.30	£37.10	£54.50	£71.05
(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) <i>Postal service</i>	£10.95	£10.95	£10.95	£18.30	£18.30	£18.30
(c) <i>Postal diligence</i>	£16.75	£16.75	£16.75	£27.50	£27.50	£27.50
2. <i>Interdicts</i>						
(a) <i>Interdict only</i>						
(i) each person at a different address				£102.00	£102.00	£102.00
(ii) each additional person at the same address				£22.40	£22.40	£22.40
(b) <i>Interdict and service</i>						
(i) each person at a different address				£114.50	£114.50	£114.50
(ii) each additional person at the same address				£34.90	£34.90	£34.90
3. <i>Poidings</i>						
(a) <i>Serving notice of entry</i>	£5.00	£5.00	£5.00	£7.70	£7.70	£7.70
(b) <i>Arranging poiding and endeavouring, but being unable, to execute it for whatever reason</i>	£39.45	£39.45	£39.45	£57.75	£57.75	£57.75
(c) <i>Arranging and executing poiding where appraised value is—</i>						
(i) £476 or under	£67.65	£67.65	£67.65	£67.65	£67.65	£67.65
(ii) Over £476 and up to £1,911	£104.80	£104.80	£104.80	£104.80	£104.80	£104.80

<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>
(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						
(d) Reporting pouding	£6.50	£6.50	£6.50	£6.50	£6.50	£6.50
4. <i>Poudings of motor vehicles, heavy plant or machinery</i>						
(a) Arranging and executing pouding where appraised value is–						
(i) £476 or under	£67.65	£67.65	£67.65	£67.65	£67.65	£67.65
(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						
(b) Reporting pouding	£6.50	£6.50	£6.50	£6.50	£6.50	£6.50
5. <i>Sequestrations for rent, pouding of ground</i>						
(a) Arranging for the sequestration or pouding of the ground and endeavouring, but being unable, to execute it for whatever reason	£36.75	£36.75	£36.75	£55.15	£55.15	£55.15

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	<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) £476 or under	£64.90	£64.90	£64.90			
(ii) Over £476 and up to £1,911	£102.00	£102.00	£102.00			
(iii) Over £1,911 as in item 3(c)(iii) above						
(c) Arranging and effecting ordinary sequestration or pouding of the ground				£102.00	£102.00	£102.00
(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 warrant of sale	£10.65	£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) Arranging warrant sale, preparing advertisement and giving public notice	£16.70	£16.70	£16.70	£16.70	£16.70	£16.70
(ii) Serving copy of warrant of sale and intimating the place and date of sale and if necessary the date of removal of pouded 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						

<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>
attending warrant sale and being unable to execute it for whatever reason	£36.75	£36.75	£36.75	£55.15	£55.15	£55.15
(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
<i>7. Ejections</i>						
(a) Arranging ejection	£36.75	£36.75	£36.75	£55.15	£55.15	£55.15
(b) Arranging and executing ejection	£75.50	£75.50	£75.50	£85.65	£85.65	£85.65
<i>8. Taking possession of effects</i>						
(a) Arranging possession	£36.75	£36.75	£36.75	£55.15	£55.15	£55.15
(b) Arranging and effecting possession	£75.50	£75.50	£75.50	£102.00	£102.00	£102.00
<i>9. Apprehensions</i>						
(a) Arranging apprehension				£55.15	£55.15	£55.15
(b) Arranging and apprehending				£102.00	£102.00	£102.00
<i>10. Taking possession of children</i>						
(a) Arranging to take possession				£55.15	£55.15	£55.15
(b) Arranging and taking possession of each child				£102.00	£102.00	£102.00
<i>11. Arresting vessels, aircraft and cargo</i>						
(a) Arranging to arrest	£36.75	£36.75	£36.75	£55.15	£55.15	£55.15
(b) Arranging and effecting arrestment	£92.75	£92.75	£92.75	£168.60	£168.60	£168.60
<i>12. Miscellaneous</i>						
(a) Making any report or application under the Act of 1987 with the exception of reporting a poinding	£12.75	£12.75	£12.75	£12.75	£12.75	£12.75
(b) Granting any receipt required to be issued under the Act of 1987	£6.50	£6.50	£6.50	£6.50	£6.50	£6.50
(c) Arranging for locksmith or tradesman to be in attendance	£4.15	£4.15	£4.15	£4.15	£4.15	£4.15

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(d) Granting certificate of displenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor	£12.75	£12.75	£12.75	£12.75	£12.75	£12.75
(e) Executing warrant to open lockfast places	£12.75	£12.75	£12.75	£12.75	£12.75	£12.75
(f) Time						
(i) with witness - £20.50 per unit						
(ii) without witness - £15.30 per unit						
(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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