
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 440

COURT OF SESSION

Act of Sederunt (Fees of Messengers-At-Arms) 2001

Made - - - - - *27th 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 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) 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 Messengers-at-Arms) 1994⁽³⁾ and shall apply to work carried out by a messenger-at-arms 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.

Edinburgh
27th November 2001

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

(1) 1926 c. 16.

(2) 1988 c. 36.

(3) S.I. 1994/391, as amended by S.I. 1994/3268, S.I. 1995/3094, S.I. 1996/2855, S.I. 1997/2825, S.I. 1998/2668, S.S.I. 1999/151 and S.S.I. 2000/421.

Status: This is the original version (as it was originally made).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

SCHEDULE

Paragraph 2(1)

TABLE OF FEES

| <i>Item</i> | <i>Band 1</i> | <i>Band 2</i> | <i>Band 3</i> |
|---|---------------|---------------|---------------|
| <i>1. Service or intimation of a document</i> | | | |
| (a) (a) Service | £41.10 | £69.70 | £88.00 |
| (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 | £13.75 | £13.75 | £13.75 |
| (b) (b) Postal service | £20.15 | £20.15 | £20.15 |
| (c) (c) Postal diligence | £30.45 | £30.45 | £30.45 |
| <i>2. Inhibitions</i> | | | |
| (a) (a) Inhibition only | £43.25 | £69.70 | £88.00 |
| (i) each person at a different address | | | |
| (ii) each additional person at the same address | £22.40 | £22.40 | £22.40 |
| (b) (b) Inhibition and service | £56.95 | £83.30 | £102.00 |
| (i) each person at a different address | | | |
| (ii) each additional person at the same address | £36.20 | £36.20 | £36.20 |
| (c) (c) Inhibition, service and interdict | £138.25 | £138.25 | £138.25 |
| (i) each person at a different address | | | |
| (ii) each additional person at the same address | £58.75 | £58.75 | £58.75 |
| <i>3. Interdicts</i> | | | |
| (a) (a) Interdict only | £102.00 | £102.00 | £102.00 |
| (i) each person at a different address | | | |
| (ii) each additional person at the same address | £22.40 | £22.40 | £22.40 |
| (b) (b) Interdict and service | £115.75 | £115.75 | £115.75 |
| (i) each person at a different address | | | |
| (ii) each additional person at the same address | £36.20 | £36.20 | £36.20 |
| (c) (c) Interdict, service and inhibition | £138.25 | £138.25 | £138.25 |
| (i) each person at a different address | | | |
| (ii) each additional person at the same address | £58.75 | £58.75 | £58.75 |
| <i>4. Poindings</i> | | | |
| (a) (a) Serving notice of entry | £7.70 | £7.70 | £7.70 |
| (b) (b) Arranging poinding and endeavouring, but being unable, to execute it for whatever reason | £57.75 | £57.75 | £57.75 |
| (c) (c) Arranging and executing poinding where appraised value is— | £67.65 | £67.65 | £67.65 |

| <i>Item</i> | <i>Band 1</i> | <i>Band 2</i> | <i>Band 3</i> |
|--|---------------|---------------|---------------|
| (i) £476 or under | | | |
| (ii) Over £476 and up to £1,911 | £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 £19,153, 5% thereafter | | | |
| (v) Over £96,254 – 10% of the first £19,253, 5% thereafter up to £96,254, and 1% thereafter | | | |
| (d) (d) Reporting poiding | £6.50 | £6.50 | £6.50 |
| <i>5. Poidings of motor vehicles, heavy plant or machinery</i> | | | |
| (a) (a) Arranging and executing poiding where appraised value is– | £67.65 | £67.65 | £67.65 |
| (i) £476 or under | | | |
| (ii) Over £476 and up to £2,115 | £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) (b) Reporting poiding | £6.50 | £6.50 | £6.50 |
| <i>6. Sequestrations for rent, poiding of the ground</i> | | | |
| (a) (a) Arranging for the sequestration or poiding of the ground and endeavouring, but being unable, to execute it for whatever reason | £55.15 | £55.15 | £55.15 |
| (b) (b) Arranging and effecting sequestration or poiding of the ground | £102.00 | £102.00 | £102.00 |
| <i>7. Sales</i> | | | |
| (a) (i) Application for warrant of sale or variation of a warrant of sale | £12.85 | £12.85 | £12.85 |
| (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 |
| (ii) Serving copy of warrant of sale and intimating the place and date of sale and if necessary the date of removal of poided effects – as in item 1(a) or (b) above, as the case may be | | | |
| (c) (c) Attending warrant sale alone conducted by auctioneer | £29.00 | £49.20 | £62.10 |

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| <i>Item</i> | <i>Band 1</i> | <i>Band 2</i> | <i>Band 3</i> |
|---|---------------|---------------|---------------|
| (d) (i) Attending warrant sale with witness and being unable to execute it for whatever reason | £55.15 | £55.15 | £55.15 |
| (ii) Conducting warrant sale with witness where the appraised value is – £476 or under | £64.95 | £64.95 | £64.95 |
| Over £476 | £102.00 | £102.00 | £102.00 |
| <i>8. Ejections</i> | | | |
| (a) (a) Arranging ejection | £55.15 | £55.15 | £55.15 |
| (b) (b) Arranging and executing ejection | £85.70 | £85.70 | £85.70 |
| <i>9. Taking possession of effects</i> | | | |
| (a) (a) Arranging possession | £55.15 | £55.15 | £55.15 |
| (b) (b) Arranging and effecting possession | £102.00 | £102.00 | £102.00 |
| <i>10. Apprehensions</i> | | | |
| (a) (a) Arranging apprehension | £55.15 | £55.15 | £55.15 |
| (b) (b) Arranging and apprehending | £102.00 | £102.00 | £102.00 |
| <i>11. Taking possession of children</i> | | | |
| (a) (a) Arranging to take possession | £55.15 | £55.15 | £55.15 |
| (b) (b) Taking possession of each child | £102.00 | £102.00 | £102.00 |
| <i>12. Arresting vessels, aircraft and cargo</i> | | | |
| (a) (a) Arranging to arrest | £55.15 | £55.15 | £55.15 |
| (b) (b) Arranging and effecting arrestment | £168.60 | £168.60 | £168.60 |
| <i>13. Miscellaneous</i> | | | |
| (a) (a) Making any report or application under the Act of 1987 with the exception of reporting a pointing | £12.75 | £12.75 | £12.75 |
| (b) (b) Granting any receipt required to be issued under the Act of 1987 | £6.50 | £6.50 | £6.50 |
| (c) (c) Arranging for locksmith or tradesman to be in attendance | £4.15 | £4.15 | £4.15 |
| (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 | £12.75 | £12.75 | £12.75 |
| (e) (e) Executing warrant to open lockfast places | £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 | | | |

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| <i>Item</i> | <i>Band 1</i> | <i>Band 2</i> | <i>Band 3</i> |
|--|---------------|---------------|---------------|
| (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 Messengers-at-Arms) 1994 (S.I.1994/391) by increasing the fees payable to Messengers-at-Arms by about 3.25%.

The last increase was in the Act of Sederunt (Fees of Messengers-at-Arms) 2000 (S.S.I. 2000/421).