

2002 No. 513

COURT OF SESSION

Act of Sederunt (Fees of Messengers-At-Arms) 2002

Made

21st November 2002

Coming into force

1st January 2003

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(a) section 5 of the Court of Session Act 1988(b) 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) 2002 and shall come into force on 1st January 2003.

(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(c) and shall apply to work carried out by messengers-at arms on or after 1st January 2003.

(2) Sub-paragraph (1) does not affect the fees payable as respects any work so carried out before 1st January 2003.

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

Edinburgh
21st November 2002

(a) 1926 c.16.

(b) 1988 c.36; section 5 was amended by section 2(3) of the Civil Evidence (Scotland) Act 1988 (c.32) and by paragraph 45 of Schedule 4 to the Children (Scotland) Act 1995 (c.36).

(c) 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, S.S.I. 2000/421 and S.S.I. 2001/440.

Paragraph 2(1)

SCHEDULE
TABLE OF FEES

| Item | Band 1 | Band 2 | Band 3 |
|---|---------|---------|---------|
| 1. Service or intimation of a document | | | |
| (a) Service | | | |
| (i) each person at a different address | £42.15 | £71.50 | £90.30 |
| (ii) each additional person at the same address or additional copy required to be served or intimated under the Act of 1987 | £14.10 | £14.10 | £14.10 |
| (b) Postal service | £20.65 | £20.65 | £20.65 |
| (c) Postal diligence | £31.25 | £31.25 | £31.25 |
| 2. Inhibitions | | | |
| (a) Inhibition only | | | |
| (i) each person at a different address | £44.40 | £71.50 | £90.30 |
| (ii) each additional person at the same address | £23.00 | £23.00 | £23.00 |
| (b) Inhibition and service | | | |
| (i) each person at a different address | £58.45 | £85.45 | £104.65 |
| (ii) each additional person at the same address | £37.15 | £37.15 | £37.15 |
| (c) Inhibition, service and interdict | | | |
| (i) each person at a different address | £141.85 | £141.85 | £141.85 |
| (ii) each additional person at the same address | £60.30 | £60.30 | £60.30 |
| 3. Interdicts | | | |
| (a) Interdict only | | | |
| (i) each person at a different address | £104.65 | £104.65 | £104.65 |
| (ii) each additional person at the same address | £23.00 | £23.00 | £23.00 |
| (b) Interdict and service | | | |
| (i) each person at a different address | £118.75 | £118.75 | £118.75 |
| (ii) each additional person at the same address | £37.15 | £37.15 | £37.15 |

| | | | | |
|--|---|---------|---------|---------|
| (c) Interdict, service and inhibition | | | | |
| (i) | each person at a different address | £141.85 | £141.85 | £141.85 |
| (ii) | each additional person at the same address | £60.30 | £60.30 | £60.30 |
| 4. Poindings | | | | |
| (a) | Serving notice of entry | £7.90 | £7.90 | £7.90 |
| (b) | Arranging poinding and endeavouring but being unable to execute same for whatever reason | £59.25 | £59.25 | £59.25 |
| (c) Arranging and executing poinding where appraised value is– | | | | |
| (i) | £488 or under | £69.40 | £69.40 | £69.40 |
| (ii) | over £488 and up to £1,961 | £107.55 | £107.55 | £107.55 |
| (iii) | Over £1,961 and up to £19,754 - 10% of the appraised value | | | |
| (iv) | Over £19,754 and up to £98,757 - 10% of the first £19,754, 5% thereafter | | | |
| (v) | Over £98,757 - 10% of the first £19,754, 5% thereafter up to £98,757 and 1% thereafter | | | |
| (d) | Reporting poinding | £6.65 | £6.65 | £6.65 |
| 5. Poindings of motor vehicles, heavy plant or machinery | | | | |
| (a) Arranging and executing poinding where appraised value is– | | | | |
| (i) | £488 or under | £69.40 | £69.40 | £69.40 |
| (ii) | Over £488 and up to £2,170 | £107.55 | £107.55 | £107.55 |
| (iii) | Over £2,170 and up to £98,757 5% of the appraised value | | | |
| (iv) | Over £98,757 - 5% of the first £98,757, and 1% thereafter | | | |
| (b) | Reporting poinding | £6.65 | £6.65 | £6.65 |
| 6. Sequestrations for rent, poinding of the ground | | | | |
| (a) | Arranging for the sequestration or poinding of the ground and endeavouring but being unable to execute same for whatever reason | £56.60 | £56.60 | £56.60 |
| (b) | Arranging and effecting sequestration or poinding of the ground | £104.65 | £104.65 | £104.65 |

| | | | | | |
|-----|---------------------------------------|--|--|---------|---------|
| 7. | Sales | | | | |
| | (a) (i) | Application for warrant of sale or variation of a warrant of sale | £13.20 | £13.20 | £13.20 |
| | | (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 | £17.15 | £17.15 | £17.15 |
| | | (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) | Attending warrant sale alone conducted by auctioneer | £29.75 | £50.50 | £63.70 |
| | (d) (i) | Attending warrant sale with witness and being unable to execute same for whatever reason | £56.60 | £56.60 | £56.60 |
| | | (ii) | Conducting warrant sale with witness where the appraised value is– | | |
| | | £488 or under | £66.65 | £66.65 | £66.65 |
| | | Over £488 | £104.65 | £104.65 | £104.65 |
| 8. | Ejections | | | | |
| | (a) | Arranging ejection | £56.60 | £56.60 | £56.60 |
| | (b) | Arranging and executing ejection | £87.95 | £87.95 | £87.95 |
| 9. | Taking possession of effects | | | | |
| | (a) | Arranging possession | £56.60 | £56.60 | £56.60 |
| | (b) | Arranging and effecting possession | £104.65 | £104.65 | £104.65 |
| 10. | Apprehensions | | | | |
| | (a) | Arranging apprehension | £56.60 | £56.60 | £56.60 |
| | (b) | Arranging and apprehending | £104.65 | £104.65 | £104.65 |
| 11. | Taking possession of children | | | | |
| | (a) | Arranging to take possession | £56.60 | £56.60 | £56.60 |
| | (b) | Taking possession of each child | £104.65 | £104.65 | £104.65 |
| 12. | Arresting vessels, aircraft and cargo | | | | |
| | (a) | Arranging to arrest | £56.60 | £56.60 | £56.60 |
| | (b) | Arranging and effecting arrestment | £173.00 | £173.00 | £173.00 |

13. Miscellaneous

| | | | |
|--|--------|--------|--------|
| (a) Making any report or application under the Act of 1987 with the exception of reporting a poiding | £13.10 | £13.10 | £13.10 |
| (b) Granting any receipt required to be issued under the Act of 1987 | £6.65 | £6.65 | £6.65 |
| (c) Arranging locksmith or tradesman to be in attendance | £4.25 | £4.25 | £4.25 |
| (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 | £13.10 | £13.10 | £13.10 |
| (e) Executing warrant to open lockfast places | £13.10 | £13.10 | £13.10 |
| (f) Time | | | |
| (i) with witness - £21.05 per unit | | | |
| (ii) without witness - £15.70 per unit | | | |
| (g) Photocopies | | | |
| (i) first page of document - £1.50 | | | |
| (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 Schedule to 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 2.6%.

The last increase was in the Act of Sederunt (Fees of Messengers-At-Arms) 2001 (S.S.I. 2001/440).

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£2.00

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under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
150 12/02 19593

