

2004 No. 513

SHERIFF COURT

Act of Sederunt (Fees of Sheriff Officers) 2004

Made - - - - - *29th November 2004*

Laid before the Scottish Parliament *30th November 2004*

Coming into force - - - *1st January 2005*

The Lords of Council and Session, under and by virtue of the powers conferred upon 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) 2004 and shall come into force on 1st January 2005.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

Amendment of fees and regulations

2.—(1) Subject to sub-paragraph (3) 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) (No.2) 2002(c).

(2) Subject to sub-paragraph (3) below, in regulation 5 of Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No.2) 2002 for “excluding postage, but including any recorded delivery costs exclusive of postage” there shall be substituted “including postage and any recorded delivery costs”.

(3) Sub-paragraphs (1) and (2) shall apply to work carried out by a sheriff officer on or after 1st January 2005 but shall not affect the fees payable as respects any work so carried out before that date.

Edinburgh
29th November 2004

CULLEN OF WHITEKIRK
Lord President
I.P.D.

(a) 1907 c.51; section 40 was amended by the Sheriff Courts (Scotland) Act 1913 c.28, Schedule 1; the Secretaries of State Act 1926 c.18, section 1(3); the Administration of Justice (Scotland) Act 1933 c.41, Schedule; and the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 c.12, Schedule 1, paragraph 7 and Schedule 2.
(b) 1926 c.16.
(c) S.S.I. 2002/567 amended by S.S.I. 2003/538.

SCHEDULE

Paragraph 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>
	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>
<i>1. Service or intimation of a document</i>						
<i>(a) Service</i>						
<i>(i) each person at a different address</i>	24.90	38.40	49.80	40.70	59.85	78.05
<i>(ii) each additional person at the same address or additional copy required to be served or intimated under the Act of 1987 and the Act of 2002</i>	8.35	8.35	8.35	13.60	13.60	13.60
<i>(b) Postal service</i>	11.75	11.75	11.75	19.85	19.85	19.85
<i>(c) Postal diligence</i>	18.15	18.15	18.15	29.90	29.90	29.90
<i>2. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997 and anti-social behaviour orders under the Crime and Disorder Act 1998)</i>						
<i>(a) Interdict only</i>						
<i>(i) each person at a different address</i>				112.00	112.00	112.00
<i>(ii) each additional person at the same address</i>				24.65	24.65	24.65
<i>(b) Interdict and service</i>						
<i>(i) each person at a different address</i>				125.75	125.75	125.75
<i>(ii) each additional person at the same address</i>				38.30	38.30	38.30
<i>3. Attachments</i>						
<i>(a) Serving notice of entry</i>	5.50	5.50	5.50	8.45	8.45	8.45
<i>(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason</i>	43.35	43.35	43.35	63.40	63.40	63.40
<i>(c) Arranging and executing attachment</i>						

where appraised value is –							
(i) £523 or under	74.25	74.25	74.25	74.25	74.25	74.25	74.25
(ii) over £523 and up to £2,099	115.10	115.10	115.10	115.10	115.10	115.10	115.10
(iii) over £2,099 and up to £21,140 – 10% of the appraised value							
(iv) over £21,140 and up to £105,688 – 10% of the first £21,140, 5% thereafter							
(v) over £105,688 – 10% of the first £21,140, 5% thereafter up to £105,688 and 1% thereafter							
(d) Reporting attachment	7.10	7.10	7.10	7.10	7.10	7.10	7.10
<i>4. Attachment of motor vehicles, heavy plant or machinery</i>							
(a) Arranging and executing attachment where appraised value is –							
(i) £523 or under	74.25	74.25	74.25	74.25	74.25	74.25	74.25
(ii) over £523 and up to £2,322	115.10	115.10	115.10	115.10	115.10	115.10	115.10
(iii) over £2,322 and up to £105,688 – 5% of the appraised value							
(iv) over £105,688 – 5% of the first £105,688 and 1% thereafter							
(b) Reporting attachment	7.10	7.10	7.10	7.10	7.10	7.10	7.10
<i>5. Sequestrations for rent, poinding of ground</i>							
(a) Arranging for the sequestration or poinding of the ground and endeavouring but being unable to execute same for whatever reason	40.35	40.35	40.35	60.55	60.55	60.55	60.55
(b) Arranging and effecting sequestration where the appraised value is –							
(i) £523 or under	71.30	71.30	71.30				

(ii)	over £523 and up to £2,099	112.00	112.00	112.00			
(iii)	over £2,099 as 3(c)(iii) above						
(c)	arranging and effecting ordinary sequestrations or poinding of the ground				112.00	112.00	112.00
(d)	service – as in item 1(a) or (b) above, as the case may be						
6. Auctions							
(a)	(i) Arranging auction, preparing advertisement and giving public notice	18.35	18.35	18.35	18.35	18.35	18.35
	(ii) intimating the place and date of auction and if necessary the date of removal of attached effects – as in items 1(a) or (b) above, as the case may be						
(b)	(i) Officer and witness attending auction but auction not executed for whatever reason	40.35	40.35	40.35	60.55	60.55	60.55
	(ii) Officer and witness attending auction	112.00	112.00	112.00	112.00	112.00	112.00
7. Ejections							
(a)	Arranging ejection	40.35	40.35	40.35	60.55	60.55	60.55
(b)	Arranging and executing ejection	82.90	82.90	82.90	94.05	94.05	94.05
8. Taking possession of effects							
(a)	Arranging possession	40.35	40.35	40.35	60.55	60.55	60.55
(b)	Arranging and effecting possession	82.90	82.90	82.90	112.00	112.00	112.00
9. Apprehensions							
(a)	Arranging apprehension				60.55	60.55	60.55
(b)	Arranging and apprehending				112.00	112.00	112.00
10. Taking possession of a child							
(a)	Arranging to take possession				60.55	60.55	60.55
(b)	Arranging and taking possession of a child				112.00	112.00	112.00
11. Arresting vessels, aircraft and cargo							
(a)	Arranging to arrest	40.35	40.35	40.35	60.55	60.55	60.55
(b)	Arranging and effecting arrestment	101.85	101.85	101.85	185.15	185.15	185.15

12. *Miscellaneous*

(a) Making any report or application under the Act of 1987 or the Act of 2002 with the exception of reporting an attachment	14.00	14.00	14.00	14.00	14.00	14.00
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	7.10	7.10	7.10	7.10	7.10	7.10
(c) Arranging locksmith or tradesman to be in attendance	4.55	4.55	4.55	4.55	4.55	4.55
(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	14.00	14.00	14.00	14.00	14.00	14.00
(e) Executing warrant to open lockfast places	14.00	14.00	14.00	14.00	14.00	14.00
(f) Time						
(i) with witness – £22.50 per unit						
(ii) without witness – £16.80 per unit						
(g) Photocopies						
(i) first page document – £1.60						
(ii) subsequent pages – per page – £0.80						

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 Sheriff Officers) (No.2) 2002 by increasing the fees payable to sheriff officers by 3.7% with effect from 1st January 2005. It also amends the general regulations set out in that Schedule so as to entitle sheriff officers to payment under those regulations in respect of postage.

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£3.00

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Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
150 12/04 19593

ISBN 0-11-069355-8



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