

2004 No. 515

COURT OF SESSION

Act of Sederunt (Fees of Messengers-at-Arms) 2004

Made - - - - - *29th 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 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) 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 Messengers-at-Arms) (No.2) 2002(c).

(2) Subject to sub-paragraph (3) below, regulation 5 of Schedule 1 to the Act of Sederunt (Fees of Messengers-at-Arms) (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 messenger-at-arms 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) 1926 c.16.
(b) 1988 c.36.
(c) S.S.I. 2002/566 amended by S.S.I. 536.

SCHEDULE

Paragraph 2

TABLE OF FEES

<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>	
	£	£	£	
1.	<i>Service or intimation of a document</i>			
(a)	Service			
(i)				
	each person at a different address	45.10	76.55	96.65
(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	15.10	15.10	15.10
(b)	Postal service	21.80	21.80	21.80
(c)	Postal diligence	33.15	33.15	33.15
2.	<i>Inhibitions</i>			
(a)	Inhibition only			
(i)				
	each person at a different address	47.50	76.55	96.65
(ii)				
	each additional person at the same address	24.65	24.65	24.65
(b)	Inhibition and service			
(i)				
	each person at a different address	62.55	91.45	112.00
(ii)				
	each additional person at a the same address	39.75	39.75	39.75
(c)	Inhibition, service and interdict			
(i)				
	each person at a different address	151.80	151.80	151.80
(ii)				
	each additional person at the same address	64.55	64.55	64.55
3.	<i>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>			
(a)	Interdict only			
(i)				
	each person at a different address	112.00	112.00	112.00
(ii)				
	each additional person at the same address	24.65	24.65	24.65
(b)	Interdict and service			
(i)				
	each person at a different address	127.10	127.10	127.10
(ii)				
	each additional person at the same address	39.75	39.75	39.75
(c)	Interdict, service and inhibition			
(i)				
	each person at a different	151.80	151.80	151.80

	address			
	(ii) each additional person at the same address	64.55	64.55	64.55
4.	<i>Attachments</i>			
	(a) Serving notice of entry	8.45	8.45	8.45
	(b) Arranging attachment and endeavouring but being unable to execute same for whatever reason	63.40	63.40	63.40
	(c) Arranging and executing attachment where appraised value is–			
	(i) £523 or under	74.25	74.25	74.25
	(ii) over £523 and up to £2,099	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
5.	<i>Attachment of motor vehicle, heavy plant or machinery</i>			
	(a) Arranging and executing attachment where appraised value is–			
	(i) £523 or under	74.25	74.25	74.25
	(ii) over £523 and up to £2,322	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
6.	<i>Sequestrations for rent, poinding of the ground</i>			
	(a) Arranging for the sequestration or poinding of the ground and endeavouring but being unable to execute same for whatever reason	60.55	60.55	60.55
	(b) Arranging and effecting sequestration or poinding of the ground	112.00	112.00	112.00
7.	<i>Auctions</i>			
	(a) (i) Arranging auction, preparing advertisement and giving public notice	18.35	18.35	18.35
	(ii) Serving copy of auction and intimating the place and date of auction and if necessary the date of			

		removal of attached effects – as in item 1(a) or (b) above, as the case may be			
	(b)	(i) Officer and witness attending auction and being unable to execute same for whatever reason	60.55	60.55	60.55
		(ii) Officer and witness attending auction sale	112.00	112.00	112.00
8.	<i>Ejections</i>				
	(a)	Arranging ejection	60.55	60.55	60.55
	(b)	Arranging and executing ejection	94.10	94.10	94.10
9.	<i>Taking possession of effects</i>				
	(a)	Arranging possession	60.55	60.55	60.55
	(b)	Arranging and effecting possession	112.00	112.00	112.00
10.	<i>Apprehensions</i>				
	(a)	Arranging apprehension	60.55	60.55	60.55
	(b)	Arranging and apprehending	112.00	112.00	112.00
11.	<i>Taking possession of children</i>				
	(a)	Arranging to take possession	60.55	60.55	60.55
	(b)	Taking possession of each child	112.00	112.00	112.00
12.	<i>Arresting vessels, aircraft and cargo</i>				
	(a)	Arranging to arrest	60.55	60.55	60.55
	(b)	arranging and effecting arrestment	185.15	185.15	185.15
13.	<i>Miscellaneous</i>				
	(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
	(b)	Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	7.10	7.10	7.10
	(c)	Arranging locksmith or tradesman to be in attendance	4.55	4.55	4.55
	(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	14.00	14.00	14.00
	(e)	Executing warrant to open lockfast places	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 of 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 Messengers-at-Arms) (No.2) 2002 by increasing the fees payable to messengers-at-arms by 3.7% with effect from 1st January 2005. It also amends the general regulations set out in that Schedule so as to entitle messengers-at-arms to payment under those regulations in respect of postage.

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