
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 582

COURT OF SESSION

Act of Sederunt (Fees of Messengers-at-Arms) 2005

Made - - - - - *10th November 2005*

Coming into force - - - *1st January 2006*

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(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) 2005 and shall come into force on 1st January 2006.

(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) (No. 2) 2002(3).

(2) Sub paragraph (1) shall apply to work carried out by a messenger-at-arms on or after 1st January 2006 but shall not affect the fees payable as respects any work so carried out before that date.

Edinburgh
10th November 2005

Cullen of Whitekirk
Lord President I.P.D.

(1) 1926 c. 16.
(2) 1988 c. 36.
(3) S.S.I. 2002/566, amended by S.S.I. 2003/536 and S.S.I. 2004/515.

Status: This is the original version (as it was originally made).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

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) (a) Service			
(i) each person at a different address	46.65	79.20	100.00
(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	15.60	15.60	15.60
(b) (b) Postal service	22.55	22.55	22.55
(c) (c) Postal diligence	34.30	34.30	34.30
2.			
<i>Inhibitions</i>			
(a) (a) Inhibition only			
(i) each person at a different address	49.15	79.20	100.00
(ii) each additional person at the same address	25.50	25.50	25.50
(b) (b) Inhibition and service			
(i) each person at a different address	64.70	94.60	115.85
(ii) each additional person at a the same address	41.10	41.10	41.10
(c) (c) Inhibition, service and interdict			

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<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
(i) each person at a different address	157.05	157.05	157.05
(ii) each additional person at the same address	66.80	66.80	66.80
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) (a) Interdict only			
(i) each person at a different address	115.85	115.85	115.85
(ii) each additional person at the same address	25.50	25.50	25.50
(b) (b) Interdict and service			
(i) each person at a different address	131.50	131.50	131.50
(ii) each additional person at the same address	41.10	41.10	41.10
(c) (c) Interdict, service and inhibition			
(i) each person at a different address	157.05	157.05	157.05
(ii) each additional person at the same address	66.80	66.80	66.80
4.			
<i>Attachments</i>			
(a) (a) Serving notice of entry	8.75	8.75	8.75

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<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
(b) (b) Arranging attachment and endeavouring but being unable to execute same for whatever reason	65.60	65.60	65.60
(c) (c) Arranging and executing attachment where appraised value is—			
(i) £541 or under	76.80	76.80	76.80
(ii) over £541 and up to £2,171	119.05	119.05	119.05
(iii) over £2,171 and up to £21,869 – 10% of the appraised value			
(iv) over £21,869 and up to £109,334 – 10% of the first £21,869, 5% thereafter			
(v) (v) over £109,334 – 10% of the first £21,869, 5% thereafter up to £109,334 and 1% thereafter			
(d) (d) Reporting attachment	7.35	7.35	7.35

5.

Attachment of motor vehicle, heavy plant or machinery

(a) ~~(a)~~ Arranging and

<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
executing attachment where appraised value is—			
(i) £541 or under	76.80	76.80	76.80
(ii) over £541 and up to £2,402	119.05	119.05	119.05
(iii) over £2,402 and up to £109,334 –5% of the appraised value			
(iv) over £109,334 – 5% of the first £109,334 and 1% thereafter			
(b) (b) Reporting attachment	7.35	7.35	7.35
6.			
<i>Sequestrations for rent, poinding of the ground</i>			
(a) (a) Arranging for the sequestration or poinding of the ground and endeavouring but being unable to execute same for whatever reason	62.65	62.65	62.65
(b) (b) Arranging and effecting sequestration or poinding of the ground	115.85	115.85	115.85
7.			
<i>Auctions</i>			
(a) (i) Arranging auction, preparing advertisement	19.00	19.00	19.00

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<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
and giving public notice			
(ii) Serving copy of warrant 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	62.65	62.65	62.65
(ii) Officer and witness attending auction sale	115.85	115.85	115.85
8.			
<i>Ejections</i>			
(a) Arranging ejection	62.65	62.65	62.65
(b) Arranging and executing ejection	97.35	97.35	97.35
9.			
<i>Taking possession of effects</i>			

<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
(a) (A) Arranging possession	62.65	62.65	62.65
(b) (B) Arranging and effecting possession	115.85	115.85	115.85
10.			
<i>Apprehensions</i>			
(a) (A) Arranging apprehension	62.65	62.65	62.65
(b) (B) Arranging and apprehending	115.85	115.85	115.85
11.			
<i>Taking possession of children</i>			
(a) (A) Arranging to take possession	62.65	62.65	62.65
(b) (b) Taking possession of each child	115.85	115.85	115.85
12.			
<i>Arresting vessels, aircraft and cargo</i>			
(a) (A) Arranging to arrest	62.65	62.65	62.65
(b) (B) Arranging and effecting arrestment	191.55	191.55	191.55
13.			
<i>Miscellaneous</i>			
(a) (a) Making any report or application under the Act of 1987 or the Act of 2002 with the exception of reporting an attachment	14.50	14.50	14.50

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<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
(b) (b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	7.35	7.35	7.35
(c) (c) Arranging locksmith or tradesman to be in attendance	4.70	4.70	4.70
(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	14.50	14.50	14.50
(e) (e) Executing warrant to open lockfast places	14.50	14.50	14.50
(f) (f) Time			
(i) with witness – £23.30 per unit			
(ii) without witness – £17.40 per unit			
(g) (g) Photocopies			
(i) first page of document – £1.65			
(ii) subsequent pages – per page – £0.85			

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

The Lords of Council and Session amend the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Messengers at Arms) (No. 2) 2002, by increasing the fees payable to messengers at arms by 3.45% with effect from 1st January 2006.