
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 539

SHERIFF COURT

Act of Sederunt (Fees of Sheriff Officers) 2006

Made - - - - - *7th November 2006*
Laid before the Scottish
Parliament - - - - - *9th November 2006*
Coming into force - - - - - *1st January 2007*

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(1), section 6 of the Execution of Diligence (Scotland) Act 1926(2) 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) 2006 and shall come into force on 1st January 2007.

(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 Sheriff Officers) (No. 2) 2002(3).

(2) Sub-paragraph (1) shall apply to work carried out by a sheriff officer on or after 1st January 2007 but shall not affect the fees payable as respects any work so carried out before that date.

Edinburgh
7th November 2006

A C HAMILTON
Lord President I.P.D.

(1) 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.
(2) 1926 c. 16.
(3) S.S.I. 2002/567, amended by S.S.I. 2003/538; S.S.I. 2004/513 and S.S.I. 2005/583.

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SCHEDULE

Paragraph 2(1)

TABLE OF FEES

Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
1. Service or intimation of a document						
(a) (a) Service						
(i) each person at a different address	26.70	41.15	53.35	43.60	64.15	83.65
(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	8.95	8.95	8.95	14.55	14.55	14.55
(b) Postal service	2.60	12.60	12.60	21.30	21.30	21.30
(c) Postal diligence	9.50	19.50	19.50	32.05	32.05	32.05
2. Interdicts (including non-harassment orders under the				120.00	120.00	120.00

Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
<i>Protection from Harassment Act 1997 and anti-social behaviour orders under the Crime and Disorder Act 1998)</i>						
<i>Interdict(a) only</i>						
(i) each person at a different address						
(ii) each additional person at the same address				26.40	26.40	26.40
<i>Interdict(b) and service</i>						
(i) each person at a different address				134.80	134.80	134.80
(ii) each additional person at the same address				41.05	41.05	41.05
3. Attachment of earnings	5.90	5.90	5.90	9.05	9.05	9.05
<i>Seizing(a) notice of entry</i>						

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Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
Arranging (b) attachment and endeavouring but being unable to execute the same for whatever reason	46.45	46.45	46.45	67.95	67.95	67.95
Arranging (c) and executing attachment where appraised value is –						
(i) £560 or under	79.55	79.55	79.55	79.55	79.55	79.55
(ii) over £560 and up to £2,249	123.35	123.35	123.35	123.35	123.35	123.35
(iii) over £2,249 and up to £22,656 – 10% of the appraised value						
(iv) over £22,656 and up to £113,270 – 10% of the						

Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
first £22,656, 5% thereafter						
(v) over £113,270 –10% of the first £22,656, 5% thereafter up to £113,270 and 1% thereafter						
Reporting (d) attachment	7.60	7.60	7.60	7.60	7.60	7.60
4. Attachment of motor vehicles, heavy plant or machinery						
(a) Arranging and executing attachment where appraised value is –						
(i) £560 or under	79.55	79.55	79.55	79.55	79.55	79.55
(ii) over £560 and up to £2,488	123.35	123.35	123.35	123.35	123.35	123.35
(iii) over £2,488 and up to						

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Item	Summary Cause			Ordinary Cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	£	£	£	£	£	£
£113,270 – 5% of the appraised value						
(iv) over £113,270 – 5% of the first £113,270 and 1% thereafter						
Reporting (b) attachment	7.60	7.60	7.60	7.60	7.60	7.60
5. Sequestrations for rent, pounding of ground	43.25	43.25	43.25	64.90	64.90	64.90
Arranging (a) for the sequestration or pounding of the ground and endeavouring but being unable to execute same for whatever reason						
Arranging (b) and effecting sequestration where the appraised						

Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
value is –						
(i) £560 or under	76.40	76.40	76.40			
(ii) over £560 and up to £2,249	120.00	120.00	120.00			
(iii) over £2,249 as 3(c)(iii) above						
Arranging (c) and effecting ordinary sequestrations or poinding of the ground				120.00	120.00	120.00
Service (d) – as in item 1(a) or (b) above, as the case may be						
6. Auctions	19.70	19.70	19.70	19.70	19.70	19.70
(a) (i) Arranging auction, preparing advertisement and						

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Item	Summary Cause			Ordinary Cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	£	£	£	£	£	£
		giving public notice				
(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	43.25	43.25	43.25	64.90	64.90	64.90
(ii) Officer and witness attending auction	120.00	120.00	120.00	120.00	120.00	120.00
7. Ejection Arranging (a) ejection	43.25	43.25	43.25	64.90	64.90	64.90

Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
Arranging (b) and executing ejection	88.85	88.85	88.85	100.80	100.80	100.80
8. Taking possession of effects	43.25	43.25	43.25	64.90	64.90	64.90
Arranging (a) possession						
Arranging (b) and effecting possession	88.85	88.85	88.85	120.00	120.00	120.00
9. Apprehensions				64.90	64.90	64.90
Arranging (a) apprehension						
Arranging (b) and apprehending				120.00	120.00	120.00
10. Taking possession of a child				64.90	64.90	64.90
Arranging (a) to take possession						
Arranging (b) and taking possession of each child				120.00	120.00	120.00
11. Arresting vessels, aircraft and cargo	43.25	43.25	43.25	64.90	64.90	64.90
Arranging (a) to arrest						
Arranging (b) and	109.15	109.15	109.15	198.45	198.45	198.45

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Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
effecting arrestment						
12. Miscellaneous	15.00	15.00	15.00	15.00	15.00	15.00
Making (a) any report or application under the Act of 1987 or the Act of 2002 with the exception of reporting an attachment						
Granting (b) 7.60	7.60	7.60	7.60	7.60	7.60	7.60
any receipt required to be issued under the Act of 1987 or the Act of 2002						
Arranging (c) 4.85	4.85	4.85	4.85	4.85	4.85	4.85
locksmith or tradesman to be						

Item	Summary Cause			Ordinary Cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	£	£	£	£	£	£
in attendance						
G (d) (i) 5.00	15.00	15.00	15.00	15.00	15.00	15.00
certificate of displenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor						
Ex (e) 5.00	15.00	15.00	15.00	15.00	15.00	15.00
warrant to open lockfast places						
(f) (f) Time						
(i) with witness						
– £24.15 per unit						
(ii) without witness						
– £18.05 per unit						
(g) (g) Photocopies						

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Item	Summary Cause			Ordinary Cause		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
(i) first page document – £1.70						
(ii) subsequent pages – per page – £0.90						

EXPLANATORY NOTE

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

This Act of Sederunt amends the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002 by increasing the fees payable to sheriff officers by 3.6% with effect from 1st January 2007.