

2006 No. 540

COURT OF SESSION

Act of Sederunt (Fees of Messengers-at-Arms) 2006

Made - - - - *7th 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 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) 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 Messengers-at-Arms) (No. 2) 2002(c).

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

A C HAMILTON
Lord President
I.P.D.

Edinburgh
7th November 2006

(a) 1926 c.16.

(b) 1988 c.36.

(c) S.S.I. 2002/566, amended by S.S.I. 2003/536, S.S.I. 2004/515 and S.S.I. 2005/582.

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	48.35	82.05	103.60
(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	16.15	16.15	16.15
(b) Postal service	23.35	23.35	23.35
(c) Postal diligence	35.55	35.55	35.55
2. <i>Inhibitions</i>			
(a) Inhibition only			
(i) each person at a different address	50.90	82.05	103.60
(ii) each additional person at the same address	26.40	26.40	26.40
(b) Inhibition and service			
(i) each person at a different address	67.05	98.00	120.00
(ii) each additional person at the same address	42.60	42.60	42.60
(c) Inhibition, service and interdict			
(i) each person at a different address	162.70	162.70	162.70
(ii) each additional person at the same address	69.20	69.20	69.20
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	120.00	120.00	120.00
(ii) each additional person at the same address	26.40	26.40	26.40
(b) Interdict and service			
(i) each person at a different address	136.25	136.25	136.25
(ii) each additional person at the same address	42.60	42.60	42.60
(c) Interdict, service and inhibition			
(i) each person at a different address	162.70	162.70	162.70
(ii) each additional person at the same address	69.20	69.20	69.20
4. <i>Attachments</i>			
(a) Serving notice of entry	9.05	9.05	9.05
(b) Arranging attachment and endeavouring but being unable to execute same for whatever reason	67.95	67.95	67.95

<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
(c) Arranging and executing attachment where appraised value is–			
(i) £560 or under	79.55	79.55	79.55
(ii) over £560 and up to £2,249	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 first £22,656, 5% thereafter			
(v) over £113,270 – 10% of the first £22,656, 5% thereafter up to £113,270 and 1% thereafter			
(d) Reporting attachment	7.60	7.60	7.60
5. <i>Attachment of motor vehicle, heavy plant or machinery</i>			
(a) Arranging and executing attachment where appraised value is–			
(i) £560 or under	79.55	79.55	79.55
(ii) over £560 and up to £2,488	123.35	123.35	123.35
(iii) over £2,488 and up to £113,270 – 5% of the appraised value			
(iv) over £113,270 – 5% of the first £113,270 and 1% thereafter			
(b) Reporting attachment	7.60	7.60	7.60
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	64.90	64.90	64.90
(b) Arranging and effecting sequestration or poinding of the ground	120.00	120.00	120.00
7. <i>Auctions</i>			
(a) (i) Arranging auction, preparing advertisement and giving public notice	19.70	19.70	19.70
(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	64.90	64.90	64.90
(ii) Officer and witness attending auction sale	120.00	120.00	120.00
8. <i>Ejections</i>			
(a) Arranging ejection	64.90	64.90	64.90
(b) Arranging and executing ejection	100.85	100.85	100.85
9. <i>Taking possession of effects</i>			
(a) Arranging possession	64.90	64.90	64.90
(b) Arranging and effecting possession	120.00	120.00	120.00

<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
10. <i>Apprehensions</i>			
(a) Arranging apprehension	64.90	64.90	64.90
(b) Arranging and apprehending	120.00	120.00	120.00
11. <i>Taking possession of children</i>			
(a) Arranging to take possession	64.90	64.90	64.90
(b) Taking possession of each child	120.00	120.00	120.00
12. <i>Arresting vessels, aircraft and cargo</i>			
(a) Arranging to arrest	64.90	64.90	64.90
(b) Arranging and effecting arrestment	198.45	198.45	198.45
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	15.00	15.00	15.00
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	7.60	7.60	7.60
(c) Arranging locksmith or tradesman to be in attendance	4.85	4.85	4.85
(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	15.00	15.00	15.00
(e) Executing warrant to open lockfast places	15.00	15.00	15.00
(f) Time			
(i) with witness – £24.15 per unit			
(ii) without witness – £18.05 per unit			
(g) Photocopies			
(i) first page of 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 Messengers-at-Arms) (No. 2) 2002, by increasing the fees payable to messengers-at-arms by 3.6% with effect from 1st January 2007.

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£3.00

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