
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 550

SHERIFF COURT

Act of Sederunt (Fees of Sheriff Officers) 2007

Made - - - - - *5th December 2007*
Laid before the Scottish
Parliament - - - - - *7th December 2007*
Coming into force - - - - - *14th January 2008*

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) 2007 and shall come into force on 14th January 2008.

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

Amendment of fees

2.—(1) Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No.2) 2002(3) is amended in accordance with subparagraphs (2) to (4).

(2) After general regulation 1, insert—

“1A. Column A of the Table of Fees specifies the fees payable in relation to—

- (a) a summary cause commenced before 14th January 2008; and
- (b) a summary cause commenced on or after that date where the value of the claim when the cause is commenced is £1,500 or less (exclusive of interest and expenses).

(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. Section 6 will be amended by paragraph 7(4) of schedule 5 to the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) when that provision comes into force.
(3) S.S.I. 2002/567, amended by S.S.I. 2003/538, S.S.I. 2004/513, S.S.I. 2005/583 and S.S.I. 2006/539.

1B. A summary cause falling within paragraph (c) of section 35(1) of the Sheriff Courts (Scotland) Act 1971 (actions *ad factum praestandum* and actions for the recovery of possession of heritable or moveable property)⁽⁴⁾ falls within paragraph (b) of general regulation 1A where it contains no additional or alternative crave for decree for payment of money or where the value of such crave is £1,500 or less (exclusive of interest and expenses).

1C. Column B of the Table of Fees specifies the fees payable in relation to—

- (a) a summary cause not falling within general regulation 1A; and
- (b) an ordinary cause.”

(3) In general regulation 15, for “in the Table of Fees for ordinary causes” substitute “column B of the Table of Fees”.

(4) For the Table of Fees substitute the Table of Fees in the Schedule to this Act of Sederunt.

(5) This paragraph is subject to paragraph 3.

Application and saving provision

3. Paragraph 2 shall apply to work carried out by a sheriff officer on or after 14th January 2008 but shall not affect the fees payable as respects any work so carried out before that date.

Edinburgh
5th December 2007

A C HAMILTON
Lord President, I.P.D.

(4) 1971 c. 58. Section 35(1)(c) was amended by S.I.1976/900 and S.I. 1981/842 and will be amended on 14th January 2008 by S.S.I. 2007/507.

SCHEDULE

Paragraph 2(4)

TABLE OF FEES

Item	Column A			Column B		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
1.						
<i>Service or intimation of a document</i>						
(a) (a) Service						
(i) each person at a different address	27.65	42.65	55.25	45.15	66.45	86.65
(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	9.25	9.25	9.25	15.05	15.05	15.05
(Postal) (b) service	13.05	13.05	13.05	22.05	22.05	22.05
(Postal) (c) diligence	20.20	20.20	20.20	33.20	33.20	33.20

2.

Interdicts (including non-

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Item	Column A			Column B		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
<i>harassment orders under the Protection from Harassment Act 1997 and antisocial behaviour orders under the Antisocial Behaviour etc. (Scotland) Act 2004)</i>						
<i>In(t)e(r)dict(a) only</i>						
(i) each person at a different address				124.30	124.30	124.30
(ii) each additional person at the same address				27.35	27.35	27.35
<i>In(t)e(r)dict(b) and service</i>						
(i) each person at a different address				139.65	139.65	139.65
(ii) each additional person at the same address				42.55	42.55	42.55

3.

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Item	Column A			Column B		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
<i>Attachments</i>						
Serving (a) notice of entry	6.10	6.10	6.10	9.40	9.40	9.40
Arranging (b) attachment and endeavouring but being unable to execute the same for whatever reason	48.10	48.10	48.10	70.40	70.40	70.40
Arranging (c) and executing attachment where appraised value is—						
(i) £580 or under	82.40	82.40	82.40	82.40	82.40	82.40
(ii) over £580 and up to £2,330	127.80	127.80	127.80	127.80	127.80	127.80
(iii) over £2,330 and up to £23,472 – 10% of the appraised value						
(iv) over £23,472						

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Item	Column A			Column B		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
and up to £117,348 – 10% of the first £23,472, 5% thereafter (v)over(v) £117,348 – 10% of the first £23,472, 5% thereafter up to £117,348 and 1% thereafter						
Reporting (d) attachment	7.85	7.85	7.85	7.85	7.85	7.85
4. <i>Attachment of motor vehicles, heavy plant or machinery</i> Arranging (a) and executing attachment where appraised value is– (i)580 (i)82.40 or under						
	82.40	82.40	82.40	82.40	82.40	82.40

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	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
(ii) over £580 and up to £2,578	127.80	127.80	127.80	127.80	127.80	127.80
(iii) over £2,578 and up to £117,348 – 5% of the appraised value						
(iv) over £117,348 – 5% of the first £117,348 and 1% thereafter						
Reporting (b) attachment	7.85	7.85	7.85	7.85	7.85	7.85
5. <i>Sequestrations for rent, poiding of ground</i>						
(a) Arranging for the sequestration or poiding of the ground and endeavouring but being unable to execute	44.80	44.80	44.80	67.25	67.25	67.25

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	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
same for whatever reason						
Arranging (b) and effecting sequestration where the appraised value is—						
(i) 580 or under	79.15	79.15	79.15			
(ii) over £580 and up to £2,330	124.30	124.30	124.30			
(iii) over £2,330 as 3(c) (iii) above						
Arranging (c) and effecting ordinary sequestrations or poinding of the ground				124.30	124.30	124.30
Service (d) — as in item 1(a) or (b) above, as the						

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Item	Column A			Column B		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	£	£	£	£	£	£
case may be						
6.						
<i>Auctions</i>						
(a)	20.40	20.40	20.40	20.40	20.40	20.40
(i) Arranging auction, preparing advertisement and 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)	44.80	44.80	44.80	67.25	67.25	67.25
(i) Officer and witness attending auction but auction not						

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Item	Column A			Column B		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	£	£	£	£	£	£
take possession						
Arranging (b) and taking possession of each child				124.30	124.30	124.30
11.						
<i>Arresting vessels, aircraft and cargo</i>						
Arranging (a) to arrest	44.80	44.80	44.80	67.25	67.25	67.25
Arranging (b) and effecting arrestment	113.10	113.10	113.10	205.60	205.60	205.60
12.						
<i>Miscellaneous</i>						
Making (a) any report or application under the Act of 1987 or the Act of 2002 with the exception of reporting an attachment	15.55	15.55	15.55	15.55	15.55	15.55

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Item	Column A			Column B		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
G(1)(b)ting (b) any receipt required to be issued under the Act of 1987 or the Act of 2002	7.85	7.85	7.85	7.85	7.85	7.85
Arr(1)(c)ing (c) locksmith or tradesman to be in attendance	5.00	5.00	5.00	5.00	5.00	5.00
G(1)(d)ting (d) certificate of displenishment or providing any other certificate or report, registering any document or making any application to a court or	15.55	15.55	15.55	15.55	15.55	15.55

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Item	Column A			Column B		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
the creditor						
Executing (d) warrant to open lockfast places	5.55	15.55	15.55	15.55	15.55	15.55
(f) (f) Time						
(i) with witness – £25.00 per unit						
(ii) without witness – £18.70 per unit						
(g) (g) Photocopies						
(i) first page document – £1.75						
(ii) subsequent pages – per page – £0.95						

EXPLANATORY NOTE

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

This Act of Sederunt amends Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002 by making certain amendments of the general regulations and substituting a new Table of Fees.

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Taken together, the amendments and the new Table of Fees preserve the existing distinction in fees payable based on whether the proceedings have a value of £1,500 or less. Without the amendments, the lower fee rates would apply to all summary causes which would mean that from 14th January 2008, they would apply to all new proceedings with a value of £5,000 or less (in consequence of the Sheriff Courts (Scotland) Act 1971 (Private Jurisdiction and Summary Cause) Order 2007 (SSI2007/507)).

The fee levels in the new Table of Fees represent an increase of 3.6% on the existing fees. This increase takes effect from 14th January 2008.