

**2008 No. 366**

**COURT OF SESSION**

**Act of Sederunt (Fees of Messengers-at-Arms) (EC Service Regulation) 2008**

*Made* - - - - - *7th November 2008*

*Coming into force* - - - - - *13th November 2008*

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 75 of the Debtors (Scotland) Act 1987(a) 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 Messengers-at-Arms) (EC Service Regulation) 2008 and shall come into force on 13th November 2008.

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

**Service of documents under EC Service Regulation**

2. The fee payable to a messenger-at-arms in respect of service of a document in Scotland under Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13th November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No. 1348/2000(b) is—

- (a) where service is effected by a method mentioned in rule 16.1(1)(a)(i), (ii), (iii) or (b)(i) of the Rules of the Court of Session 1994 (methods and manner of service on a person)(c), £83.80;
- (b) where service is effected by a method mentioned in rule 16.1(1)(a)(iv) or (b)(ii) of the Rules of the Court of Session 1994 (postal service), £39.20.

*A. C. Hamilton*  
Lord President  
I.P.D.

Edinburgh  
7th November 2008

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(a) 1987 c.18. Section 75 is prospectively repealed by Schedule 6 to the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3).  
(b) O.J. No. L 324, 10.12.2007, p.79.  
(c) S.I. 1994/1443, last amended by S.S.I. 2008/349.

## EXPLANATORY NOTE

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

This Act of Sederunt makes provision for the fees payable to messengers-at-arms for service of a document under Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13th November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. Article 11(2) of that Regulation requires the setting of a single fixed fee. Recital (16) of the Preamble states that this does not prevent the fixing of different fees for different types of service.

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