
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 430

SHERIFF COURT

Act of Sederunt (Fees of Sheriff Officers) 2008

<i>Made</i>	- - - -	<i>17th December 2008</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>22nd December 2008</i>
<i>Coming into force</i>	- -	<i>26th January 2009</i>

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) 2008 and shall come into force on 26th January 2009.

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

Amendment of fees

2.—(1) Subject to paragraph (2) below, for the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002(3) substitute the Table in the Schedule to this Act of Sederunt.

(2) Subparagraph (1) shall apply to work carried out by a sheriff officer on or after 26th January 2009 but shall not affect the fees payable as respects any work so carried out before that date.

Edinburgh
17th December 2008

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. 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, 2004/513, 2005/583, 2006/539 and 2007/550.

Status: This is the original version (as it was originally made).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(1)

TABLE OF FEES

Item	Column A			Column B		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
<i>1. Service or intimation of a document</i>						
(a) (a) Service						
(i) each person at a different address	28.85	44.50	57.65	47.10	69.35	90.40
(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	9.65	9.65	9.65	15.70	15.70	15.70
(Postal) (b) service	13.60	13.60	13.60	23.00	23.00	23.00
(Postal) (c) diligence	21.10	21.10	21.10	34.65	34.65	34.65
<i>2. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997 and antisocial behaviour orders under the Antisocial Behaviour etc. (Scotland) Act 2004)</i>						
(Interdict) (a) only						
(i) each person at a				129.70	129.70	129.70

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Item	Column A			Column B		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
different address						
(ii) each additional person at the same address				28.55	28.55	28.55
In dict(b) and service						
(i) each person at a different address				145.70	145.70	145.70
(ii) each additional person at the same address				44.40	44.40	44.40
3. Attachments						
Serving(a) notice of entry	6.35	6.35	6.35	9.80	9.80	9.80
Arranging(b) attachment and endeavouring but being unable to execute the same for whatever reason	50.20	50.20	50.20	73.45	73.45	73.45
Arranging(c) and executing attachment where						

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Item	Column A			Column B		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
appraised value is –						
(i) £605 or under	86.00	86.00	86.00	86.00	86.00	86.00
(ii) over £605 and up to £2,431	133.35	133.35	133.35	133.35	133.35	133.35
(iii) over £2,431 and up to £24,493 – 10% of the appraised value						
(iv) over £24,493 and up to £122,453 – 10% of the first £24,493, 5% thereafter						
(v) over £122,453 – 10% of the first £24,493, 5% thereafter up to £122,453 and 1% thereafter						

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Item	Column A			Column B		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
Reporting (a) attachment	8.20	8.20	8.20	8.20	8.20	8.20
4. Attachment of motor vehicles, heavy plant or machinery						
Arranging (a) and executing attachment where appraised value is –						
(i) £605 or under	86.00	86.00	86.00	86.00	86.00	86.00
(ii) over £605 and up to £2,690	133.35	133.35	133.35	133.35	133.35	133.35
(iii) over £2,690 and up to £122,453 – 5% of the appraised value						
(iv) over £122,453 – 5% of the first £122,453 and 1% thereafter						
Reporting (b) attachment	8.20	8.20	8.20	8.20	8.20	8.20
5. Sequestrations for rent, poinding of ground						
Arranging (a) for the sequestration	46.75	46.75	46.75	70.20	70.20	70.20

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Item	Column A			Column B		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	£	£	£	£	£	£
or pounding of the ground and endeavouring but being unable to execute same for whatever reason						
Arranging (b) and effecting sequestration where the appraised value is —						
(i) £605 or under	82.60	82.60	82.60			
(ii) over £605 and up to £2,431	129.70	129.70	129.70			
(iii) over £2,431 as 3(c) (iii) above						
Arranging (c) and effecting ordinary sequestrations or pounding of				129.70	129.70	129.70

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Item	Column A			Column B		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
the ground						
Service(d)						
– as in item 1(a) or (b) above, as the case may be						
6. Auctions						
(a) (i) Arranging an auction, preparing advertisement and giving public notice	21.30	21.30	21.30	21.30	21.30	21.30
(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						

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Item	Column A			Column B		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
may be						
(b) (i) Officer and witness attending auction but auction not executed for whatever reason	46.75	46.75	46.75	70.20	70.20	70.20
(ii) Officer and witness attending auction	129.70	129.70	129.70	129.70	129.70	129.70
<i>7. Ejections</i>						
Arranging (a) ejection	46.75	46.75	46.75	70.20	70.20	70.20
Arranging (b) and executing ejection	96.05	96.05	96.05	109.00	109.00	109.00
<i>8. Taking possession of effects</i>						
Arranging (a) possession	46.75	46.75	46.75	70.20	70.20	70.20
Arranging (b) and effecting possession	96.05	96.05	96.05	129.70	129.70	129.70
<i>9. Apprehensions</i>						
Arranging (a) apprehension				70.20	70.20	70.20
Arranging (b) and apprehending				129.70	129.70	129.70
<i>10. Taking possession of a child</i>						
Arranging (a) to				70.20	70.20	70.20

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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				129.70	129.70	129.70
11. Arresting vessels, aircraft and cargo						
Arranging (a) to arrest	46.75	46.75	46.75	70.20	70.20	70.20
Arranging (b) and effecting arrestment	118.00	118.00	118.00	214.55	214.55	214.55
12. Miscellaneous						
Making (a) any report or application under the Act of 1987 or the Act of 2002 with the exception of reporting an attachment	16.25	16.25	16.25	16.25	16.25	16.25
Giving (b) any receipt required to be	8.20	8.20	8.20	8.20	8.20	8.20

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	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	£	£	£	£	£	£
issued under the Act of 1987 or the Act of 2002						
Arranging (c) locksmith or tradesman to be in attendance	5.20	5.20	5.20	5.20	5.20	5.20
Giving (d) certificate of displenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor	16.25	16.25	16.25	16.25	16.25	16.25
Executing (e) warrant to open	16.25	16.25	16.25	16.25	16.25	16.25

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Item	Column A			Column B		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	£	£	£	£	£	£
lockfast places						
(f) (f) Time						
(i) with witness						
–						
£26.10 per unit						
(ii) without witness						
–						
£19.50 per unit						
(g) (g) Photocopies						
(i) first page document						
–						
£1.85						
(ii) subsequent pages						
– per page –						
£1.00						

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 substituting a new Table of Fees.

The fee levels in the new Table of Fees represent an increase of 4.35% on the existing fees. This increase takes effect from 26th January 2009.