
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 431

COURT OF SESSION

Act of Sederunt (Fees of Messengers-at-Arms) 2008

Made - - - - - *17th December 2008*

Coming into force - - - - - *12th January 2009*

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(1), section 5 of the Court of Session Act 1988(2) 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) 2008 and shall come into force on 12th January 2009.

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

Amendment of fees

2.—(1) Subject to subparagraph (2) below, for the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002(3) substitute the Table of Fees in the Schedule to this Act of Sederunt.

(2) Subparagraph (1) shall apply to work carried out by a messenger-at-arms on or after 12th 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) 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 is brought into force.
(2) 1988 c. 36.
(3) S.S.I. 2002/566, amended by S.S.I. 2003/536, 2004/515, 2005/582, 2006/540 and 2007/532.

Status: This is the original version (as it was originally made).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

| <i>Item</i> | <i>Band 1</i> £ | <i>Band 2</i> £ | <i>Band 3</i> £ |
|---|--------------------|--------------------|--------------------|
| <i>1. Service or intimation of a document</i> | | | |
| (a) (a) Service | | | |
| (i) each person at a different address | 52.30 | 88.70 | 112.00 |
| (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 | 17.50 | 17.50 | 17.50 |
| (b) (b) Postal service | 25.25 | 25.25 | 25.25 |
| (c) (c) Postal diligence | 38.45 | 38.45 | 38.45 |
| <i>2. Inhibitions</i> | | | |
| (a) (a) Inhibition only | | | |
| (i) each person at a different address | 55.05 | 88.70 | 112.00 |
| (ii) each additional person at the same address | 28.55 | 28.55 | 28.55 |
| (b) (b) Inhibition and service | | | |
| (i) each person at a different address | 72.45 | 105.95 | 129.70 |
| (ii) each additional person at the same address | 46.05 | 46.05 | 46.05 |
| (c) (c) Inhibition, service and interdict | | | |
| (i) each person at a different address | 175.90 | 175.90 | 175.90 |

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| <i>Item</i> | <i>Band 1</i> £ | <i>Band 2</i> £ | <i>Band 3</i> £ |
|--|--------------------|--------------------|--------------------|
| (ii) each additional person at the same address | 74.80 | 74.80 | 74.80 |
| 3. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997) | | | |
| (a) (a) Interdict only | | | |
| (i) each person at a different address | 129.70 | 129.70 | 129.70 |
| (ii) each additional person at the same address | 28.55 | 28.55 | 28.55 |
| (b) (b) Interdict and service | | | |
| (i) each person at a different address | 147.30 | 147.30 | 147.30 |
| (ii) each additional person at the same address | 46.05 | 46.05 | 46.05 |
| (c) (c) Interdict, service and inhibition | | | |
| (i) each person at a different address | 175.90 | 175.90 | 175.90 |
| (ii) each additional person at the same address | 74.80 | 74.80 | 74.80 |
| 4. Attachments | | | |
| (a) (a) Serving notice of entry | 9.80 | 9.80 | 9.80 |
| (b) (b) Arranging attachment and endeavouring but being unable to execute same for whatever reason | 73.45 | 73.45 | 73.45 |
| (c) (c) Arranging and executing attachment | | | |

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| <i>Item</i> | <i>Band 1</i> £ | <i>Band 2</i> £ | <i>Band 3</i> £ |
|---|--------------------|--------------------|--------------------|
| where appraised value is— | | | |
| (i) £605 or under | 86.00 | 86.00 | 86.00 |
| (ii) over £605 and up to £2,431 | 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 | | | |
| (d) (c) Reporting attachment | 8.20 | 8.20 | 8.20 |

5. Attachment of motor vehicle, heavy plant or machinery

| | | | |
|---|--------|--------|--------|
| (a) (a) Arranging and executing attachment where appraised value is— | | | |
| (i) £605 or under | 86.00 | 86.00 | 86.00 |
| (ii) over £605 and up to £2,690 | 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 | | | |
| (b) (b) Reporting attachment | 8.20 | 8.20 | 8.20 |

| <i>Item</i> | <i>Band 1</i> £ | <i>Band 2</i> £ | <i>Band 3</i> £ |
|--|--------------------|--------------------|--------------------|
| <i>6. Sequestrations for rent, poinding of the ground</i> | | | |
| (a) (A) Arranging for the sequestration or poinding of the ground and endeavouring but being unable to execute same for whatever reason | 70.20 | 70.20 | 70.20 |
| (b) (A) Arranging and effecting sequestration or poinding of the ground | 129.70 | 129.70 | 129.70 |
| <i>7. Auctions</i> | | | |
| (a) (i) Arranging auction, preparing advertisement and giving public notice | 21.30 | 21.30 | 21.30 |
| (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 | 70.20 | 70.20 | 70.20 |

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| <i>Item</i> | <i>Band 1</i> £ | <i>Band 2</i> £ | <i>Band 3</i> £ |
|---|--------------------|--------------------|--------------------|
| unable to execute same for whatever reason | | | |
| (ii) Officer and witness attending auction sale | 129.70 | 129.70 | 129.70 |
| <i>8. Ejections</i> | | | |
| (a) (a) Arranging ejection | 70.20 | 70.20 | 70.20 |
| (b) (b) Arranging and executing ejection | 109.05 | 109.05 | 109.05 |
| <i>9. Taking possession of effects</i> | | | |
| (a) (a) Arranging possession | 70.20 | 70.20 | 70.20 |
| (b) (b) Arranging and effecting possession | 129.70 | 129.70 | 129.70 |
| <i>10. Apprehensions</i> | | | |
| (a) (a) Arranging apprehension | 70.20 | 70.20 | 70.20 |
| (b) (b) Arranging and apprehending | 129.70 | 129.70 | 129.70 |
| <i>11. Taking possession of children</i> | | | |
| (a) (a) Arranging to take possession | 70.20 | 70.20 | 70.20 |
| (b) (b) Taking possession of each child | 129.70 | 129.70 | 129.70 |
| <i>12. Arresting vessels, aircraft and cargo</i> | | | |
| (a) (a) Arranging to arrest | 70.20 | 70.20 | 70.20 |
| (b) (b) Arranging and effecting arrestment | 214.55 | 214.55 | 214.55 |

| <i>Item</i> | <i>Band 1</i> £ | <i>Band 2</i> £ | <i>Band 3</i> £ |
|---|--------------------|--------------------|--------------------|
| <i>13. Miscellaneous</i> | | | |
| (a) (a) Making 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 |
| (b) (b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002 | 8.20 | 8.20 | 8.20 |
| (c) (c) Arranging locksmith or tradesman to be in attendance | 5.20 | 5.20 | 5.20 |
| (d) (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 | 16.25 | 16.25 | 16.25 |
| (e) (e) Executing warrant to open lockfast places | 16.25 | 16.25 | 16.25 |
| (f) (f) Time | | | |
| (i) with witness – £26.10 per unit | | | |

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| <i>Item</i> | <i>Band 1</i> | <i>Band 2</i> | <i>Band 3</i> |
|--|---------------|---------------|---------------|
| | £ | £ | £ |
| (ii) without witness – £19.50 per unit | | | |
| (g) (g) Photocopies | | | |
| (i) first page of 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 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 4.35% with effect from 12th January 2009.