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 $1926(\mathbf{a})$, section 5 of the Court of Session Act $1988(\mathbf{b})$ 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) 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(c) 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.

⁽a) 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.

⁽b) 1988 c.36.

⁽c) S.S.I. 2002/566, amended by S.S.I. 2003/536, 2004/515, 2005/582, 2006/540 and 2007/532.

SCHEDULE

Paragraph 2(1)

TABLE OF FEES

Item				Band 1	Band 2	Band 3
				£	£	£
1.	Servic	e or ir	ntimation of a document			
	(a)	Ser	vice			
		(i)	each person at a different			
			address	52.30	88.70	112.00
		(ii)				
			same address or additional			
			copy required to be served			
			or intimated under the Act	17.50	17.50	17.50
	(1)	р	of 1987 and the Act of 2002	17.50	17.50	17.50
	(b)		tal service	25.25	25.25	25.25
•	(c)		tal diligence	38.45	38.45	38.45
2.	Inhibit		····			
	(a)		ibition only			
		(i)	each person at a different	55.05	00 70	112.00
			address	55.05	88.70	112.00
		(ii)	each additional person at the same address	28.55	28.55	28.55
	(b)	Inhi	ibition and service	20.33	20.35	20.55
	(0)	(i)	each person at a different			
		(1)	address	72.45	105.95	129.70
		(ii)	each additional person at the	/2.10	100.90	127.70
		()	same address	46.05	46.05	46.05
	(c)	Inh	ibition, service and interdict			
		(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
3.	Interd	icts (ir	ncluding non-harassment			
	orders under the Protection from					
			Act 1997)			
	(a)		erdict only			
		(i)	each person at a different	100 50	100 50	100 50
		<i>(</i> •••	address	129.70	129.70	129.70
		(ii)	1	29 55	29 55	20 55
		Int-	same address	28.55	28.55	28.55
	(b)		erdict and service			
		(i)	each person at a different address	147.30	147.30	147.30
		(ii)	each additional person at the	177.30	177.30	147.30
		(11)	same address	46.05	46.05	46.05
	(c)	Inte	erdict, service and inhibition	10.00	10.00	10.00
		(i)	each person at a different			
		(1)	address	175.90	175.90	175.90
		(ii)	each additional person at the		· · · · · ·	
		(-)	same address	74.80	74.80	74.80
4.	Attachments					
	(a)	Ser	ving notice of entry	9.80	9.80	9.80
			-			

Item			Band 1 £	Band 2 £	Band 3 £
	(b) Arra	anging attachment and			
		g but being unable to execute			
	same for wh	atever reason	73.45	73.45	73.45
		anging and executing			
	attachment v	where appraised value is-			
	(i)	£605 or under	86.00	86.00	86.00
		over £605 and up to £2,431	133.35	133.35	133.35
	(iii)	over £2,431 and up to $\pounds 24,493 - 10\%$ of the			
	(in)	appraised value			
	(1V)	over £24,493 and up to £122,453 – 10% of the first £24,493, 5% thereafter			
	(v)				
	(v)	first £24,493, 5% thereafter up to £122,453 and 1%			
		thereafter			
	(d) Re	porting attachment	8.20	8.20	8.20
5.	Attachment of machiner	of motor vehicle, heavy plant y			
		anging and executing			
		chment where appraised ae 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)				
		first £122,453 and 1%			
	(h) Dem	thereafter	8 2 0	8 2 0	0 20
(orting attachment	8.20	8.20	8.20
5.		ns for rent, poinding of the			
	ground	an aire a far the assurant tion			
		anging for the sequestration oinding of the ground and			
		eavouring but being unable to			
		cute same for whatever			
	reas		70.20	70.20	70.20
		anging and effecting			
		uestration or poinding of the			
	grou		129.70	129.70	129.70
7.	Auctions				
	(a) (i)	Arranging auction,			
		preparing advertisement and			
		giving public notice	21.30	21.30	21.30
	(ii)	0 10			
		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)			
	(h) (i)	above, as the case may be			
	(b) (i)	Officer and witness	70.20	70.20	70.20
		attending auction and being	/0.20	/0.20	/0.20

Item				Band 1	Band 2	Band 3
				£	£	£
			unable to execute same for			
			whatever reason			
		(ii)	Officer and witness			
_	_		attending auction sale	129.70	129.70	129.70
8.	Ejecti					
	(a)		anging ejection	70.20	70.20	70.20
	(b)		anging and executing ejection	109.05	109.05	109.05
9.			ession of effects			
	(a)		anging possession	70.20	70.20	70.20
	(b)		anging and effecting			
		-	session	129.70	129.70	129.70
10.	Appre	ehensio	ons			
	(a)	Arr	anging apprehension	70.20	70.20	70.20
	(b)	Arr	anging and apprehending	129.70	129.70	129.70
11.	Taking possession of children					
	(a)	Arr	anging to take possession	70.20	70.20	70.20
	(b)	Tak	ing possession of each child	129.70	129.70	129.70
12.	Arrest	ting ve	ssels, aircraft and cargo			
	(a)	Arr	anging to arrest	70.20	70.20	70.20
	(b)		anging and effecting			
		arre	estment	214.55	214.55	214.55
13.	Misce	llaneo	US			
	(a)	Mal	king any report or application			
			er the Act of 1987 or the Act			
		of 2	002 with the exception of			
		repo	orting an attachment	16.25	16.25	16.25
	(b)	Gra	nting any receipt required to			
		be i	ssued under the Act of 1987			
		or the	he Act of 2002	8.20	8.20	8.20
	(c)	Arra	anging locksmith or			
		trad	esman to be in attendance	5.20	5.20	5.20
	(d)	Gra	nting certificate of			
			elenishment or providing any			
			er certificate or report,			
		•	stering any document or			
			king any application to a court	16.25	16.25	16.05
			he creditor	16.25	16.25	16.25
	(e)		cuting warrant to open	16.25	16.05	16.05
	lockfast places		-	16.25	16.25	16.25
	(f)	Tim				
		(i)	with witness $-$ £26.10 per			
		/···	unit			
		(ii)				
	<i>.</i>	-	per unit			
	(g)		tocopies			
		(i)	first page of document –			
			£1.85			
		(ii)	1 10 1 10			
			$-\pounds1.00$			

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.

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