

**2009 No. 379**

**SHERIFF COURT**

**Act of Sederunt (Fees of Sheriff Officers) (Diligence) 2009**

<i>Made</i>	- - - -	<i>2nd November 2009</i>
<i>Laid before the Scottish Parliament</i>		<i>2nd November 2009</i>
<i>Coming into force</i>	- -	<i>23rd November 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(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 Sheriff Officers) (Diligence) 2009 and comes into force on 23rd November 2009.

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

**Inhibitions**

**2.**—(1) In the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002(b), after item 1 (service or intimation of a document) insert—

“1A. *Inhibitions*

(a)	Inhibition only						
	(i) each person at a different address	36.60	57.35	72.40	55.05	88.70	112.00
	(ii) each additional person at the same address	18.45	18.45	18.45	28.55	28.55	28.55
(b)	Inhibition and service						
	(i) each person at a different address	45.75	66.90	81.90	70.75	103.45	126.65

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(a) 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.

(b) S.S.I. 2002/567, amended by S.S.I. 2003/538, 2004/513, 2005/583, 2006/539, 2007/550 and 2008/430.

(ii)	each additional person at the same address	29.05	29.05	29.05	44.95	44.95	44.95
(c)	Inhibition, service and interdict						
(i)	each person at a different address				171.75	171.75	171.75
(ii)	each additional person at the same address				73.05	73.05	73.05

(2) Paragraph (1) shall apply to work carried out by a sheriff officer on or after 23rd November 2009 but shall not affect the fees payable as respects any work so carried out before that date.

### Money attachment

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

(2) In regulation 9 for “2.5(c),” substitute “2, 4A(b), 5(c)”.

(3) After regulation 12 insert—

“12A. Where, in relation to a money attachment, a sheriff officer is required to realise the value of the money attached and dispose of same under section 184 of the Act of 2007 and deposit cash and proceeds of foreign currency (including conversion of foreign currency) the fee for such work shall be chargeable on a time basis.”.

(4) After regulation 14 insert—

“14A.—(1) Where, in a money attachment, the value of the money exceeds the sum recoverable, the fee specified in the Table of Fees shall be calculated in accordance with the sum recoverable and not the value.

(2) Where, in a money attachment, a debtor or other occupier of the premises claims that money is the property of someone other than the debtor but refuses, or is unable to produce evidence to that effect, the sheriff officer may attach the money and shall add a note on the schedule of the attachment stating that the debtor claims that the money is the property of someone other than the debtor.”.

(5) In regulation 17 after the definition of “the Act of 2002” insert—

““the Act of 2007” means the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3);”.

(6) In the Table of Fees—

(a) after item 4 (attachment of motor vehicles, heavy plant or machinery) insert—

#### “4A. Money attachments under the Act of 2007

(a)	Arranging 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
(b)	Arranging and executing attachment, including removal of attached						

	money, where value of money 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 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						
(c)	Reporting attachment and	8.20	8.20	8.20	8.20	8.20	8.20”;
(b)	for the description of paragraph (a) of item 12 (miscellaneous) substitute— “(a) Making any report or application under the Act of 1987, the Act of 2002 or the Act of 2007 with the exception of reporting an attachment or a money attachment”.						

**Miscellaneous**

4. In the Table of Fees, item 5 (sequestration for rent, poinding of the ground) is omitted.

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

Edinburgh  
2nd November 2009

## 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.

Paragraph 2 makes provision for the service of inhibitions, inserting a new item 1A into the Table of Fees. This does not effect the fees payable for any work carried out before the Act of Sederunt comes into force.

Paragraph 3 makes provision relating to the new diligence of money attachment, which was introduced by the Bankruptcy and Diligence etc. (Scotland) Act 2007.

Paragraph 3(2) amends regulation 9 to include arranging and executing a money attachment as an item in respect of which time may be charged from the end of the first hour until completion.

Paragraph 3(3) inserts a new regulation 12A providing that realisation and disposal of money attached and depositing of cash and foreign currency shall be chargeable on a time basis.

Paragraph 3(4) inserts a new regulation 14A providing that the fees for money attachment specified in the Table of Fees are to be calculated according to the sum recoverable and not the value of the money attached.

Paragraph 3(5) amends regulation 17 to include a reference to the Bankruptcy and Diligence etc. (Scotland) Act 2007.

Paragraph 3(6) amends the Table of Fees by inserting a new item 4A into the Table of Fees setting the fees chargeable for money attachment.

Paragraph 4 removes item 5 (sequestration for rent and poinding of the ground) as a consequence of abolition of those diligences by the Bankruptcy and Diligence etc. (Scotland) Act 2007.

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