

2013 No. 346

COURT OF SESSION

Act of Sederunt (Fees of Messengers-at-Arms) 2013

Made - - - - *10th December 2013*

Laid before the Scottish Parliament *12th December 2013*

Coming into force - - *27th January 2014*

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(a), section 5 of the Court of Session Act 1988(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) 2013 and comes into force on 27th January 2014.

(2) A certified copy of this Act of Sederunt is to be inserted in the Books of Sederunt.

Amendment of fees

2. 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.

Savings

3. Paragraph 2 does not affect the fees payable as respects any work carried out before 27th January 2014.

BRIAN GILL
Lord President
I.P.D.

Edinburgh
10th December 2013

(a) 1926 c.16.
(b) 1988 c.36. Section 5 was amended by the Civil Evidence (Scotland) Act 1988 (c.32), section 2(3); the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 45; the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 14(1); the Judiciary and Courts (Scotland) Act 2008 (asp 6), section 46(3) and the Legal Services (Scotland) Act 2010 (asp 16), section 126(a).
(c) S.S.I. 2002/566, amended by S.S.I. 2003/536, 2004/515, 2005/582, 2006/540, 2007/532, 2008/431, 2009/383, 2011/48, 2011/431 and 2012/340.

SCHEDULE
TABLE OF FEES

Paragraph 2

<i>Item</i>	£
1. Service or intimation of a document	
(a) Service	
(i) each person at a different address	99.85
(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	19.70
(b) Postal service	28.40
(c) Postal diligence	43.25
2. Inhibitions	
(a) Inhibitions only	
(i) each person at a different address	99.85
(ii) each additional person at the same address	32.15
(b) Inhibition and service	
(i) each person at a different address	119.20
(ii) each additional person at the same address	51.80
(c) Inhibition, service and interdict	
(i) each person at a different address	198.00
(ii) each additional person at the same address	84.15
3. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997)	
(a) Interdict only	
(i) each person at a different address	145.90
(ii) each additional person at the same address	32.15
(b) Interdict and service	

<i>Item</i>	£
(i) each person at a different address	165.80
(ii) each additional person at the same address	51.80
(c) Interdict, service and inhibition	
(i) each person at a different address	198.00
(ii) each additional person at the same address	84.15
4. Attachments	
(a) Service notice of entry	11.05
(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	82.70
(c) Arranging and executing attachment where appraised value is—	
(i) £681 or under	96.80
(ii) over £681 and up to £2,737	150.05
(iii) over £2,737 and up to £27,564 – 10% of the appraised value	
(iv) over £27,564 and up to £137,809 – 10% of the first £27,564, 5% thereafter	
(v) over £137,809 – 10% of the first £27,564, 5% thereafter up to £137,809 and 1% thereafter	
(d) Reporting attachment	9.20
5. Attachment of motor vehicles, heavy plant or machinery	
(a) Arranging and executing attachment where appraised value is—	
(i) £681 or under	96.80
(ii) over £681 and up to £3,028	150.05
(iii) over £3,028 and up to £137,809 – 5% of the appraised value	
(iv) over £137,809 – 5% of the first £137,809 and 1% thereafter	
(b) Reporting attachment	9.20
6. Money attachments under the Act of 2007	
(a) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	82.70
(b) Arranging and executing attachment, including removal of attached money, where value of money is—	

<i>Item</i>	£
(i) £681 or under	96.80
(ii) over £681 and up to £2,737	150.05
(iii) over £2,737 and up to £27,564 – 10% of the value	
(iv) over £27,564 and up to £137,809 – 10% of the first £27,564, 5% thereafter	
(v) over £137,809 – 10% of the first £27,564, 5% thereafter up to £137,809 and 1% thereafter	
(c) Reporting attachment	9.20
7. Auctions	
(a) Arranging auction, preparing advertisement and giving public notice	23.95
(b) 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	
(c) Officer and witness attending auction but auction not executed for whatever reason	79.00
(d) Officer and witness attending auction sale	145.90
8. Ejections	
(a) Arranging ejection	79.00
(b) Arranging and executing ejection	122.65
9. Taking possession of effects	
(a) Arranging possession	79.00
(b) Arranging and effecting possession	145.90
10. Apprehensions	
(a) Arranging apprehension	79.00
(b) Arranging and apprehending	145.90
11. Taking possession of children	
(a) Arranging to take possession	79.00
(b) Taking possession of each child	145.90

12. Arresting vessels, aircraft and cargo

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| (a) Arranging to arrest | 79.00 |
| (b) Arranging and effecting arrestment | 241.45 |

13. Miscellaneous

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|---|--------|
| (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 | 18.35 |
| (b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002 | 9.20 |
| (c) Arranging locksmith or tradesman to be in attendance | 5.85 |
| (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 | 18.35 |
| (e) Executing warrant to open lockfast places | 18.35 |
| (f) Time | |
| (i) with witness – £29.40 per unit | |
| (ii) without witness – £21.90 per unit | |
| (g) Photocopies | |
| (i) first page document – £2.05 | |
| (ii) subsequent pages – per page £1.15 | |
| (h) 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— | |
| (i) 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) | 137.10 |
| (ii) 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) | 43.70 |

EXPLANATORY NOTE

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

This Act of Sederunt substitutes a new Table of Fees for the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002.

The fee levels in the new Table of Fees represent an increase of 2.15% on the existing fees. This increase takes effect from 27th January 2014.

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