

1978 No. 1423 (S.128)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Fees of Sheriff Officers) 1978

Made - - - - - 28th September 1978
Laid before Parliament 10th October 1978
Coming into Operation 1st November 1978

The Lords of Council and Session; under and by virtue of the powers conferred on them by section 40 of the Sheriff Courts (Scotland) Act 1907(a), section 6 of the Execution of Diligence (Scotland) Act 1926(b), and section 34 of the Administration of Justice (Scotland) Act 1933(c), and of all other powers competent to them in that behalf, do hereby enact and declare:—

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Fees of Sheriff Officers) 1978 and shall come into operation on 1st November 1978.

(2) The Interpretation Act 1889(d) applies to the interpretation of this Act of Sederunt as it applies to the interpretation of an Act of Parliament.

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

New fees

2. The fees specified in column 2 of the Schedule to this Act of Sederunt are the fees payable to Sheriff Officers in respect of the matters specified opposite them in column 1 of the Schedule, and are so payable from the date this Act of Sederunt comes into operation.

Value Added Tax

3. Sheriff Officers supplying services to any person in respect of which fees are payable to them under paragraph 2 shall—

(a) if they are taxable persons within the meaning of the Finance Act 1972(e); and

(b) if the supply is a taxable supply within the meaning of that Act, make charges to that person additional to the charges in respect of those fees being such additional charges as amount to the value added tax payable under that Act in respect of the supply of those services.

Revocation

4. The Act of Sederunt (Fees of Sheriff Officers) 1977(f) and the Act of Sederunt (Fees of Sheriff Officers) (Value Added Tax) 1978(g) are revoked.

Edinburgh.
28th September 1978.

G. C. Emslie,
I.P.D.

(a) 1907 c. 51.
(e) 1972 c. 41.

(b) 1926 c. 16.
(f) S.I. 1977/568.

(c) 1933 c. 41.
(g) S.I. 1978/115.

(d) 1889 c. 63.

SCHEDULE

TABLE OF FEES FOR SHERIFF OFFICERS

PART I ORDINARY COURT

Column 1	Column 2
1. To perusal of all papers preparatory to framing, preparing, typing, comparing documents for all of the following—to be charged extra-judicially	£1.15
2. <i>Citations, Charges and Arrestments</i>	
*(a) To serving writ, petition, complaint, minute, interlocutor, warrant or intimation or citing for examination—each defender or witness	£2.10
*(b) To charging or arresting on decree or extract registered bond, lease or protest etc.—each defender	£2.76
*(c) To arresting to found jurisdiction—each	£2.76
*(d) To serving interim interdict—each defender	£4.14
(e) Post copies when necessary	£1.15
(f) Post Office charges first class recorded delivery in addition.	
3. <i>Poundings</i>	
*(a) When the appraised value of the poinded effects on an extract decree, registered bond, protest etc., does not exceed £50	£4.14
* Each additional £25 or part thereof	£1.35
*(b) Additional schedule for each other defender or possessor ..	£1.35
(c) Valuator's fee for specialised items in addition.	
(d) To arranging for locksmiths or tradesmen to be in attendance	£1.15
(e) Tradesmen's fee in addition.	
*(f) To attending to poind and being unable to do so and circumstances prove same to be unsuccessful	£4.14
4. <i>Sequestrations for Rent and Poundings of the Ground</i>	
*(a) Same fees as for poundings (substituting sum to be secured for appraised value).	
(b) Granting certificate of displenishment	£0.55
*(c) Carrying back as in 9(a)-(d).	
5. <i>Ejections</i>	
*(a) To serving charge under pain of ejection	£2.76
(b) To arranging eviction, reserving time and date	£2.30
*(c) To intimating eviction to each defender	£1.35
(d) Executing ejection	£5.75
(e) To attending to evict and being unable to do so for any reason	£2.85
*(f) To arranging for locksmiths or tradesmen to be in attendance	£1.15
(g) Porterage fees and that of tradesmen in addition.	
6. <i>Sales</i>	
(a) To arranging sale and reserving time for warrant sale ..	£2.30
(b) To obtaining warrant	£1.15
*(c) To serving or intimating warrant of sale each defender or possessor	£2.76

Column 1	Column 2
(d) Preparing advertisement	£1.15
*(e) Officer attending as judge of the roup	£5.75
*(f) Attending warrant sale and being unable to execute same ..	£3.45
(g) To arranging for locksmiths or tradesmen to be in attendance	£1.15
(h) Locksmith and tradesmen's fees in addition.	
(i) Preparing report and lodging in Court	£1.70
7. Arresting Vessels	
*(a) To Officer arresting vessel	£23.00
(b) To arranging for Skilled Artisan to dismantle vessel ..	£1.15
(c) Skilled Artisan's fee in addition.	
8. Apprehensions	
(a) Apprehending prisoner and detaining or taking to Court	
Officer	£11.50
Assistant	£5.75
(b) Conducting prisoner from detention to Court House or vice versa	
Officer	£7.00
Assistant	£3.50
9. Searching and Re-Possession	
(a) Reserving time and arranging necessary transport	£2.30
*(b) Searching premises, possessing or taking possession of household effects	£5.70
* Other items	£11.40
* Each individual child	£11.40
(c) To arranging for locksmith or tradesmen to be in attendance	£1.15
(d) Porterage fees and that of tradesmen in addition.	
10. To Service of Warrants originating outwith Scottish Courts	
(a) To registering at local Sheriff Court	£1.15
(b) To serving each defender	£5.75
(c) To attending before Notary Public etc.	£2.30
(d) Additional fee for Notary Public.	
11. Miscellaneous	
(a) To serving notice to remove (weekly, monthly, quarterly, yearly) each	£1.35
*(b) To serving statutory notices etc.	£1.35
(c) Photo copies—first copy per sheet	£0.50
subsequent copies per sheet	£0.15
12. Travelling	
* Each mile or part thereof	£0.33
13. Witnesses Fees	
The witness fees (each) will be one-third of an Officer's fee—marked with an asterisk (*).	
14. Executing warrant to open when necessary in all of the foregoing ..	£1.15

Column 1	Column 2
15. Any necessary outlays not included in the foregoing but necessarily involved by the Sheriff Officer in the course of his duty.	
16. <i>General</i> The foregoing Table of Fees relates to work executed between normal business hours, i.e. 9.00 a.m. to 5.00 p.m. Diligence or Citation which of necessity is executed after 5.00 p.m. and before 10.00 p.m.—additional 33½ per cent to be added. (Extra-judicial) Service of Citation or Diligence which of necessity requires execution after 10.00 p.m. and before 9.00 a.m. or on Saturdays or Public Holidays, additional 75 per cent to be added. (Extra-judicial) When the Officer has to cross a ferry he will be allowed the necessary cost of the ferry, and for mileage to charge the breadth of the ferry and one-half more. Unless by special arrangement the charges for mileage shall be calculated according to either the distance between the Court House where the warrant granted and the place of execution or the distance between the nearest Sheriff Officer's place of business within the County and the place of execution, whichever shall be the lesser. (No charge for returning)	

PART II SUMMARY CAUSE DECREES

1 To perusal of papers preparatory to framing, preparing, typing, comparing documents for all of the following (with the exception of witness citations—only one fee to be charged notwithstanding the number of persons cited)—to be charged extra-judicially ..	£1.15
2. <i>Citation, Charges and Arrestments</i>	
*(a) To serving summons, minute, interlocutor, warrant, intimation, charge, arrestment or citing for examination—each defender or witness	£1.35
(b) Service by advertisement including preparation, verification and insertion of advertisement	£3.90
*(c) To serving arrestment to found jurisdiction—each	£2.76
(d) Postal copies, when necessary	£0.55
(e) Post Office charges first class recorded delivery in addition.	
3. <i>Poidings</i>	
*(a) When the appraised value of the poided effects on an extract decree, registered bond, protest etc., does not exceed £50	£4.14
* Each additional £25 or part thereof	£1.35
*(b) Additional schedule for each other defender or possessor ..	£1.35
(c) Valuator's fee for specialised items in addition.	
(d) To arranging for locksmiths or tradesmen to be in attendance	£1.15
(e) Tradesmen's fees in addition.	
*(f) To attending to poid and being unable to do so	£4.14

Column 1	Column 2
4. Sequestrations for Rent and Poidings of the Ground	
*(a) Same fees as for poidings 3(a)-(f).	
(b) Granting certificate of displenishment	£0.55
*(c) Carrying back as in 9(a)-(d).	
5. Ejections	
*(a) To serving charge of ejection	£1.35
(b) To arranging eviction, reserving time and date .. .	£2.30
*(c) To intimating eviction to each defender	£1.35
(d) Executing ejection	£5.75
(e) To attending to evict and being unable to do so for any reason	£2.85
(f) To arranging for locksmiths or tradesmen to be in attendance	£1.15
(g) Porterage fees and that of tradesmen in addition.	
*(h) Serving intimation of re-enrolment	£1.35
(i) Postal copies, when necessary	£0.55
(j) Post Office charges first class recorded delivery in addition	
6. Sales	
(a) To arranging sale, reserving time for warrant sale and obtaining warrant	£2.30
*(b) To serving or intimating warrant of sale—each defender or possessor	£1.35
(c) Preparing advertisement	£1.15
*(d) Officer executing warrant sale as in (3a).	
*(e) Attending warrant sale and being unable to execute same..	£3.45
(f) To arranging for locksmith or tradesmen to be in attendance	£1.15
(g) Locksmith and tradesmen's fees in addition.	
(h) Preparing report and lodging in Court	£1.70
7. Arresting Vessels	
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* Other items	£11.40
* Each individual child	£11.40

Column 1	Column 2
(c) To arranging for locksmith or tradesmen to be in attendance	£1.15
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10. <i>Miscellaneous</i>	
(a) To serving notice to remove (weekly, monthly, quarterly, yearly) each	£1.35
*(b) To serving statutory notices etc.	£1.35
(c) Photo copies—first copy per sheet	£0.50
subsequent copies per sheet	£0.15
11. <i>Travelling</i>	
* Each mile or part thereof	£0.33
12. <i>Witnesses' Fees</i>	
The Witnesses' fee will be one-third of an Officer's fee—where indicated with an asterisk (*).	
13. Executing warrant to open when necessary in all of the foregoing . .	£1.15
14. Any necessary outlays included in the foregoing but necessarily involved by the Sheriff Officer in the course of his duty.	
15. <i>General</i>	
The foregoing Table of Fees relates to work executed between normal business hours, i.e. 9.00 a.m. to 5.00 p.m.	
Diligence or citation which of necessity is executed after 5.00 p.m. and before 10.00 p.m. additional 33½ per cent to be added. (Extra-judicial)	
Service of citation or diligence which of necessity requires execution after 10.00 p.m. and before 9.00 a.m. or on Saturdays or Public Holidays, additional 75 per cent to be added. (Extra-judicial)	
When the Officer has to cross a ferry he will be allowed the necessary costs of the ferry.	
Unless by special arrangement the charges for mileage shall be calculated according to either the distance between the Court House where the warrant granted and the place of execution or the distance between the nearest Sheriff Officer's place of business within the county and the place of execution, whichever shall be the lesser.	
(No charge for returning)	

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt makes new provisions in respect of fees for Sheriff Officers, by revoking the Act of Sederunt (Fees of Sheriff Officers) 1977 and re-enacting it with minor amendments and increased fees. It also revokes and re-enacts the Act of Sederunt (Fees of Sheriff Officers) (Value Added Tax) 1978 with the effect of making VAT chargeable in respect of those fees.

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