

## 1978 No. 1424 (S.129)

## COURT OF SESSION, SCOTLAND

## Act of Sederunt (Fees of Messengers-at-Arms) 1978

Made - - - - 28th September 1978

Coming into Operation 1st November 1978

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) and section 16 of the Administration of Justice (Scotland) Act 1933(b), and of all other powers competent to them in that behalf, do hereby, with the consent of the Lord Lyon King of Arms, enact and declare:—

*Citation, commencement and interpretation*

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

(2) The Interpretation Act 1889(c) shall apply 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 Messengers-at-Arms 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. Messengers-at-Arms 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(d); 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 Messengers-at-Arms) 1977(e) and the Act of Sederunt (Fees of Messengers-at-Arms) (Value Added Tax) 1978(f) are revoked.

Edinburgh.  
28th September 1978.

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

(a) 1926 c. 16.  
(e) S.I. 1977/567.

(b) 1933 c. 41.  
(f) S.I. 1978/114.

(c) 1889 c. 63.

(d) 1972 c. 41.

## SCHEDULE

## TABLE OF FEES FOR MESSENGERS-AT-ARMS

Column 1	Column 2
1. Taking instructions .. .. .	£1.70
2. <i>Summonses—Intimations—Witness Citations</i>	
To serving summons, intimations or citing witness—each .. ..	£2.07
3. <i>Interdicts and Inhibitions</i>	
To interdicting or inhibiting—each .. .. .	£4.14
4. <i>Charges and Arrestments</i>	
To charging or arresting on extract decree, protest, letters of horning, bond etc.—each .. .. .	£2.76
To arresting to found jurisdiction—each .. .. .	£2.76
5. <i>Apprehensions</i>	
(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 .. .. .	£6.90
Assistant .. .. .	£3.45
6. <i>Arresting Vessels</i>	
(a) To Officer arresting vessel .. .. .	£23.00
(b) Skilled Artisan's fee in addition.	
7. <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) Valuators' 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 .. ..	£4.14
8. <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 .. .. .	£2.10
(d) Preparing advertisement .. .. .	£1.15
(e) Messenger attending as judge of the roup .. .. .	£5.75
(f) Attending warrant sale and being unable to execute same..	£3.50
(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

Column 1	Column 2
9. <i>Travelling to effect any of the foregoing items</i>	
Each mile or part thereof .. .. .	£0.33
10. <i>Witness and/or Appraiser's Fees</i>	
The witnesses and/or appraiser's fees (each) will be one-third of Messenger's fee in so far as relevant	
11. <i>Miscellaneous</i>	
Post copies, where necessary .. .. .	£0.50
Photo copies—first copy per sheet .. .. .	£0.50
Subsequent copies per sheet .. .. .	£0.15
12. Fee chargeable at discretion when fee allowed is inadequate having regard to work involved .. .. .	£1.70
13. <i>General Regulations</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 Messenger-at-Arms 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 Messenger-At-Arms' Office and the place of execution or the distance between the nearest Messengers-At-Arms' office 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 revokes the Act of Sederunt (Fees of Messengers-at-Arms) 1977 and re-enacts it with increases in the fees chargeable by Messengers-at-Arms. It also revokes and re-enacts the Act of Sederunt (Fees of Messengers-at-Arms) (Value Added Tax) 1978 with the effect of making VAT chargeable in respect of those fees.

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