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STATUTORY INSTRUMENTS

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**1991 No. 290 (S.26)**

**SHERIFF COURT, SCOTLAND**

**Act of Sederunt (Fees of Sheriff Officers) 1991**

*Made* - - - - *19th February 1991*

*Laid before Parliament* *4th March 1991*

*Coming into force* - - *25th March 1991*

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(1), section 6 of the Execution of Diligence (Scotland) Act 1926(2) 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) 1991 and shall come into force on 25th March 1991.

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

**Amendment of fees**

2.—(1) Subject to the following paragraphs of this rule, for the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) 1990(3), substitute the table of Fees in the Schedule to this Act of Sederunt.

(2) The Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) 1990 as substituted by paragraph (1) above shall apply to work done on or after the date on which this Act of Sederunt comes into force.

(3) The Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) 1990 having effect before the substitution under paragraph (1) above shall continue to have effect in respect of work done before the date on which this Act of Sederunt comes into force.

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(1) 1907 c. 51; section 40 was amended by the Schedule to the Administration of Justice (Scotland) Act 1933 (c. 41) and by paragraph 7 of Schedule 1 to and Schedule 2 to the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12), and is to be read with section 1(3) of the Secretaries of State Act 1926 (c. 18).

(2) 1926 c. 16.

(3) S.I. 1990/381

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Edinburgh  
19th February 1991

*J.A.D. Hope*  
Lord President, IPD

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SCHEDULE 1

Paragraph 2(1)

TABLE OF FEES

Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
1. Service or intimation of a document	15.40	23.65	30.55	25.15	36.90	47.95
(a) Service						
(i) each person at a different address						
(ii) each additional person at the same address or additional copy required to be served or intimated under the Act of 1987	5.15	5.15	5.15	8.40	8.40	8.40
(b) <del>(b) Postal</del>	7.70	7.70	7.70	12.60	12.60	12.60
<del>(b) Postal</del> (d) diligence	11.55	11.55	11.55	18.90	18.90	18.90
2. Interdicts				68.95	68.95	68.95
(a) Interdict only						
(i) each person at a different address						
(ii) each additional				15.15	15.15	15.15

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
person at the same address						
(b) and service				77.35	77.35	77.35
(i) each person at a different address						
(ii) each additional person at the same address				23.55	23.55	23.55
3. Pounding (a) Serving notice of entry	3.40	3.40	3.40	5.20	5.20	5.20
(b) Arranging (c) Arranging (d) Arranging (e) Arranging (f) Arranging (g) Arranging (h) Arranging (i) Arranging (j) Arranging (k) Arranging (l) Arranging (m) Arranging (n) Arranging (o) Arranging (p) Arranging (q) Arranging (r) Arranging (s) Arranging (t) Arranging (u) Arranging (v) Arranging (w) Arranging (x) Arranging (y) Arranging (z)	26.65	26.65	26.65	39.05	39.05	39.05
(i) £340 under	45.70	45.70	45.70	45.70	45.70	45.70

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<i>Item</i>	<i>Summary cause</i>			<i>Ordinary cause</i>		
	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
(ii) over £340 and up to £1,370	70.80	70.80	70.80	70.80	70.80	70.80
(iii) Over £1,370 and up to £13,795– 10% of the appraised value only						
(iv) Over £13,795 and up to £68,970– 10% of the first £13,795, 5% thereafter up to £68,970 of the appraised value						
(v) Over £68,970– 10% of the first £13,795, 5% thereafter up to £68,970 and 1% of the appraised value over £68,970						

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<i>Item</i>	<i>Summary cause</i>			<i>Ordinary cause</i>		
	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
Reporting (a) 4.00 pointing	4.40	4.40	4.40	4.40	4.40	4.40
4. Pointing of motor vehicles, heavy plant or machinery	45.70	45.70	45.70	45.70	45.70	45.70
(a) Arranging and executing pointing where appraised value is-						
(i) £340 or under						
(ii) Over £340 and up to £1,515	70.80	70.80	70.80	70.80	70.80	70.80
(iii) Over £1,515 and up to £68,970—5% of the appraised value only						
(iv) Over £68,970—5% of the first £68,970 and 1% thereafter of the appraised value						

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
Reporting (b) 4.40 pounding	4.40	4.40	4.40	4.40	4.40	4.40
5. Sequestration for rent, pounding of ground	24.85	24.85	24.85	37.25	37.25	37.25
(a) Arranging for the sequestration or pounding of the ground and endeavouring but being unable to execute same for whatever reason						
Arranging (b) 43.90 and effecting sequestration where the appraised value is-	43.90	43.90	43.90			
(i) £340 or under						
(ii) Over £340 and up to £1,370	68.95	68.95	68.95			
(iii) Over £1,370 as 3(c)						

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
(iii) above						
Arranging (c) and effecting ordinary sequestration or pointing of the ground				68.95	68.95	68.95
Service-(d) as in item 1(a) or (b) above, as the case may be						
<b>6. Sales</b>	7.20	7.20	7.20	7.20	7.20	7.20
(a) (i) Application for warrant of sale or variation of warrant of sale						
(ii) Intimating application- as in item 1(a) or (b) above, as the case may be						



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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
(b)	(i) Arranging warrant sale preparing advertisement and giving public notice	11.25	11.25	11.25	11.25	11.25
(ii)	Serving copy of warrant of sale and intimating the place and date of sale and if necessary the date of removal of pointed effects, as in item 1(a) or (b) above, as the case may be					
(c)	Officer attending warrant sale conducted by auctioneer	19.60	33.20	42.00	19.60	33.20
(d)	(i) Officer and witness attending	24.85	24.85	37.25	37.25	37.25

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<i>Item</i>	<i>Summary cause</i>			<i>Ordinary cause</i>		
	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
(ii) Officer and witness conducting sale where the appraised value is £340 or under	43.90	43.90	43.90	43.90	43.90	43.90
(iii) Over £340	68.95	68.95	68.95	68.95	68.95	68.95
<b>7. Ejection</b>	24.85	24.85	24.85	37.25	37.25	37.25
(a) Arranging ejection						
(b) Arranging and executing ejection	51.05	51.05	51.05	57.95	57.95	57.95
<b>8. Taking possession of effects</b>	24.85	24.85	24.85	37.25	37.25	37.25
(a) Arranging possession						
(b) Arranging and effecting possession	51.05	51.05	51.05	68.95	68.95	68.95
<b>9. Apprehensions</b>				37.25	37.25	37.25
(a) Arranging apprehension						

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
Arranging (b) and apprehending				68.95	68.95	68.95
<b>10. Taking possession of children</b>				37.25	37.25	37.25
(a) Arranging to take possession						
Arranging (b) and taking possession of each child				68.95	68.95	68.95
<b>11. Arresting vessels, aircraft and cargo</b>	24.85	24.85	24.85	37.25	37.25	37.25
(a) Arranging to arrest						
Arranging (b) and effecting arrestment	62.70	62.70	62.70	114.00	114.00	114.00
<b>12. Miscellaneous</b>	8.65	8.65	8.65	8.65	8.65	8.65
(a) To making any report or application under the Act of 1987 with exception of reporting a poinding						

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
(b) To (b) 4.40 granting any receipt required to be issued under the Act of 1987	4.40	4.40	4.40	4.40	4.40	4.40
(c) To (c) 2.80 arranging locksmith or tradesman to be in attendance	2.80	2.80	2.80	2.80	2.80	2.80
(d) To (d) 8.65 granting certificate of displenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor	8.65	8.65	8.65	8.65	8.65	8.65
Executing (e) 8.65 warrant	8.65	8.65	8.65	8.65	8.65	8.65

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
	to open					
(f)	(f) Time					
	(i) with witness- £13.80 per unit					
	(ii) without witness- £10.35 per unit					
(g)	(g) Photocopies					
	(i) first copy- £0.90					
	(ii) subsequent copies, per sheet- £0.45					

### EXPLANATORY NOTE

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

This Act of Sederunt amends the Act of Sederunt (Fees of Sheriff Officers) 1990 by increasing the fees payable to Sheriff Officers by about 14%. The last increase was in the Act of Sederunt (Fees of Sheriff Officers) 1989 (S.I.1989/1018).