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STATUTORY INSTRUMENTS

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**1991 No. 291 (S.27)**

**COURT OF SESSION, SCOTLAND**

**Act of Sederunt (Fees of Messengers-at-Arms) 1991**

*Made* - - - - *19th February 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 6 of the Execution of Diligence (Scotland) Act 1926(1), section 5 of the Court of Session Act 1988(2) and of all other powers enabling them in that behalf, do hereby, with the consent of the Lord Lyon King of Arms, 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) 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 Messengers-at-Arms) 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 Messengers-at-Arms) 1990(3) 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 Messengers-at-Arms) 1990(3) 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) 1926 c. 16.  
(2) 1988 c. 36.  
(3) S.I. 1900/379.  
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Edinburgh  
19th February 1991

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

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SCHEDULE

Paragraph 2(1)

TABLE OF FEES

<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
<b>1. Service of a document</b>	27.80	47.10	59.55
(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	9.25	9.25	9.25
(b) (b) Postal service	13.90	13.90	13.90
(c) (c) Postal diligence	20.85	20.85	20.85
<b>2. Inhibitions</b>	29.20	47.10	59.50
(a) Inhibition only			
(i) each person at a different address			
(ii) each additional person at the same address	15.15	15.15	15.15
(b) (b) Inhibition and service	38.45	56.35	68.80
(i) each person at a different address			
(ii) each additional person at the same address	24.45	24.45	24.45

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<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
(c) <del>(a)</del> Inhibition, service and interdict	93.40	93.40	93.40
(i) each person at a different address			
(ii) each additional person at the same address	39.60	39.60	39.60
<b>3. Interdicts</b>			
(a) Interdict only			
(i) each person at a different address	68.95	68.95	68.95
(ii) each additional person at the same address	15.15	15.15	15.15
(b) <del>(b)</del> Interdict and service	78.25	78.25	78.25
(i) each person at a different address			
(ii) each additional person at the same address	24.45	24.45	24.45
(c) <del>(d)</del> Interdict, service and inhibition	93.40	93.40	93.40
(i) each person at a different address			
(ii) each additional person at the same address	39.60	39.60	39.60
<b>4. Poindings</b>	5.20	5.20	5.20
(a) Serving notice of entry			

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<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
(b) <del>(b)</del> Arranging pointing and endeavouring but being unable to execute same for whatever reason	39.05	39.05	39.05
(c) <del>(c)</del> Arranging and executing pointing where appraised value is-	45.70	45.70	45.70
(i) £340 or under			
(ii) over £340 and up to £1,370	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			
(d) <del>(d)</del> Reporting pointing	4.40	4.40	4.40
<b>5. Pointings of motor vehicles, heavy plant or machinery</b>	45.70	45.70	45.70
(a) Arranging and executing			

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<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
<p>pounding where appraised value is-</p> <p>(i) £340 or under</p> <p>(ii) over £340 and up to £1,515</p> <p>(iii) over £1,515 and up to £68,970 —5% of the appraised value only</p> <p>(iv) over £68,970— 5% of the first £68,970 and 1% thereafter of the appraised value</p> <p>(b) <del>(b)</del> Reporting pounding</p>	<p>70.80</p> <p>4.40</p> <p>37.25</p>	<p>70.80</p> <p>4.40</p> <p>37.25</p>	<p>70.80</p> <p>4.40</p> <p>37.25</p>
<p><b>6. Sequestrations for rent, pinding of the ground</b></p> <p>(a) Arranging for the sequestration or pinding of the ground and endeavouring but being unable to execute same for whatever reason</p> <p>(b) <del>(b)</del> Arranging and effecting sequestration or pinding of the ground</p>	<p>68.95</p>	<p>68.95</p>	<p>68.95</p>
<p><b>7. Sales</b></p> <p>(a) (i) Application for warrant of sale</p>	<p>8.70</p>	<p>8.70</p>	<p>8.70</p>

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<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
or variation of a warrant of sale			
(ii) Intimating application-as in item 1(a) or (b) above, as the case may be			
(b) (i) Arranging warrant sale, preparing advertisement and giving public notice	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) (A) Attending warrant sale alone conducted by auctioneer	19.60	33.20	42.00
(d) (i) Attending warrant sale with witness and being unable to execute same for	37.25	37.25	37.25

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<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
	whatever reason		
(ii) Conducting warrant sale with witness where the appraised value is— £340 or under	43.90	43.90	43.90
over £340	68.95	68.95	68.95
<b>8. Ejections</b>	37.25	37.25	37.25
(a) Arranging ejection			
(b) <del>(a)</del> Arranging and executing ejection	57.95	57.95	57.95
<b>9. Taking possession of effects</b>	37.25	37.25	37.25
(a) Arranging possession			
(b) <del>(a)</del> Arranging and effecting possession	68.95	68.95	68.95
<b>10. Apprehensions</b>	37.25	37.25	37.25
(a) Arranging apprehension			
(b) <del>(a)</del> Arranging and apprehending	68.95	68.95	68.95
<b>11. Taking possession of children</b>	37.25	37.25	37.25
(a) Arranging to take possession			
(b) (b) Taking possession of each child	68.95	68.95	68.95
<b>12. Arresting vessels, aircraft and cargo</b>	37.25	37.25	37.25
(a) Arranging to arrest			



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<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
(b) <del>(b)</del> Arranging and effecting arrestment	114.00	114.00	114.00
<b>13. Miscellaneous</b>	8.65	8.65	8.65
(a) Making any report or application under the Act of 1987 with the exception of reporting a poinding			
(b) <del>(b)</del> Granting any receipt required to be issued under the Act of 1987	4.40	4.40	4.40
(c) <del>(c)</del> Arranging locksmith or tradesman to be in attendance	2.80	2.80	2.80
(d) <del>(d)</del> Granting certificate of dispenishment 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
(e) <del>(e)</del> Executing warrant to pen lockfast places	8.65	8.65	8.65
(f) (f) Time			
(i) with witness- £13.80 per unit			

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<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
	(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 Messengers-at-Arms) 1990 by increasing the fees payable to Messengers-at-Arms by about 14%. The last increase was in the Act of Sederunt (Fees of Messengers-at-Arms) 1989 (S.I.1989/1019).