
STATUTORY INSTRUMENTS

1995 No. 3095 (S.226)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Fees of Sheriff Officers) 1995

Made - - - - *28th November 1995*
Laid before Parliament *7th December 1995*
Coming into force - - *1st January 1996*

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) 1995 and shall come into force on 1st January 1996.

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

Amendment of fees

2.—(1) Subject to the provisions of the following sub-paragraphs, for the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) 1994(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) 1994 as substituted by sub-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) 1994 having effect before the substitution under sub-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.

(1) 1907 c. 51; section 40 was amended by section 1(3) of the Secretaries of State Act 1926 (c. 18), 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).

(2) 1926 c. 16.

(3) S.I. 1994/392; amended by S.I. 1994/3267.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Edinburgh,
28th November 1995

Hope of Craighead
Lord President, I.P.D.

SCHEDULE

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 <i>or</i> <i>intimation of</i> <i>a document</i> | £18.50 | £28.50 | £36.90 | £30.25 | £44.40 | £57.85 |
| (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 | £6.20 | £6.20 | £6.20 | £10.10 | £10.10 | £10.10 |
| (b) Postal service | £8.95 | £8.95 | £8.95 | £14.90 | £14.90 | £14.90 |
| (c) Postal diligence | £13.65 | £13.65 | £13.65 | £22.45 | £22.45 | £22.45 |
| 2. Interdicts | | | | £83.10 | £83.10 | £83.10 |
| (a) Interdict only | | | | | | |
| (i) each person at a | | | | | | |

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| Item | Summary Cause | | | Ordinary Cause | | |
|--|-------------------|--------|--------|----------------|--------|--------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| | | | | | | |
| | different address | | | | | |
| (ii) each additional person at the same address | | | | £18.25 | £18.25 | £18.25 |
| In (b) and service | | | | £93.30 | £93.30 | £93.30 |
| (i) each person at a different address | | | | | | |
| (ii) each additional person at the same address | | | | £28.40 | £28.40 | £28.40 |
| 3. Poinding | £4.10 | £4.10 | £4.10 | £6.25 | £6.25 | £6.25 |
| (a) Serving notice of entry | | | | | | |
| Arranging (b) poinding and endeavouring but being unable to execute same for whatever reason | £32.15 | £32.15 | £32.15 | £47.10 | £47.10 | £47.10 |
| Arranging (c) and executing poinding | £55.10 | £55.10 | £55.10 | £55.10 | £55.10 | £55.10 |

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| Item | Summary Cause | | | Ordinary Cause | | |
|--|---------------|--------|--------|----------------|--------|--------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| where appraised value is— | | | | | | |
| (i) £387 or under | | | | | | |
| (ii) Over £387 and up to £1,558 | £85.35 | £85.35 | £85.35 | £85.35 | £85.35 | £85.35 |
| (iii) Over £1,558 and up to £15,685 — 10% of the appraised value only | | | | | | |
| (iv) Over £15,685 and up to £78,418 — 10% of the first £15,685, 5% thereafter up to £78,418 of the appraised value | | | | | | |
| (v) Over £78,418 — 10% of the first | | | | | | |

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| Item | Summary Cause | | | Ordinary Cause | | |
|--|---------------|--------|--------|----------------|--------|--------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| £15,685, 5% thereafter up to £78,418 and 1% of the appraised value over £78,418 | | | | | | |
| Reporting (if pointing | £5.30 | £5.30 | £5.30 | £5.30 | £5.30 | £5.30 |
| 4. Pointing of motor vehicles, heavy plant or machinery | £55.10 | £55.10 | £55.10 | £55.10 | £55.10 | £55.10 |
| (a) Arranging and executing pointing where appraised value is— | | | | | | |
| (i) £387 or under | | | | | | |
| (ii) Over £387 and up to £1,723 | £85.35 | £85.35 | £85.35 | £85.35 | £85.35 | £85.35 |
| (iii) Over £1,723 and up to £78,418 — 5% of the appraised value only | | | | | | |

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|--|---------------|--------|--------|----------------|--------|--------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| (iv) Over £78,418 — 5% of the first £78,418, and 1% thereafter of the appraised value | | | | | | |
| Reporting (to pointing | £5.30 | £5.30 | £5.30 | £5.30 | £5.30 | £5.30 |
| 5. Sequestration for rent, pointing of ground | £29.95 | £29.95 | £29.95 | £44.95 | £44.95 | £44.95 |
| (a) Arranging for the sequestration or pointing of the ground and endeavouring but being unable to execute same for whatever reason | | | | | | |
| Arranging (to and effecting sequestration where the appraised value is— | £52.90 | £52.90 | £52.90 | | | |

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| Item | Summary Cause | | | Ordinary Cause | | |
|-----------------|---|--------|--------|----------------|--------|--------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| | (i) £387 or under | | | | | |
| | (ii) Over £387 and up to £1,558 | £83.10 | £83.10 | | | |
| | (iii) Over £1,558 — as 3(c) (iii) above | | | | | |
| Arranging | (c) and effecting ordinary sequestration or pounding of the ground | | | £83.10 | £83.10 | £83.10 |
| Service | (d) — as in item 1(a) or (b) above, as the case may be | | | | | |
| 6. Sales | £8.65 | £8.65 | £8.65 | £8.65 | £8.65 | £8.65 |
| (a) | (i) Application for warrant of sale or | | | | | |

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|---|---------------|--------|--------|----------------|--------|--------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| item 1(a) or (b) above, as the case may be | | | | | | |
| (c) Officer attending warrant sale conducted by auctioneer | £23.65 | £40.05 | £50.60 | £23.65 | £40.05 | £50.60 |
| (d) (i) Officer and witness attending warrant sale and being unable to execute same for whatever reason | £29.95 | £29.95 | £29.95 | £44.95 | £44.95 | £44.95 |
| (ii) Officer and witness conducting sale where the appraised value is £387 or under | £52.90 | £52.90 | £52.90 | £52.90 | £52.90 | £52.90 |
| (iii) Over £387 | £83.10 | £83.10 | £83.10 | £83.10 | £83.10 | £83.10 |
| 7. Ejection | £29.95 | £29.95 | £29.95 | £44.95 | £44.95 | £44.95 |

| Item | Summary Cause | | | Ordinary Cause | | |
|---|---------------|--------|--------|----------------|--------|--------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| (a) Arranging ejection | | | | | | |
| (b) Arranging (b) and executing ejection | £61.50 | £61.50 | £61.50 | £69.80 | £69.80 | £69.80 |
| 8. Taking possession of effects | £29.95 | £29.95 | £29.95 | £44.95 | £44.95 | £44.95 |
| (a) Arranging possession | | | | | | |
| (b) Arranging (b) and effecting possession | £61.50 | £61.50 | £61.50 | £83.10 | £83.10 | £83.10 |
| 9. Apprehensions | | | | £44.95 | £44.95 | £44.95 |
| (a) Arranging apprehension | | | | | | |
| (b) Arranging (b) and apprehending | | | | £83.10 | £83.10 | £83.10 |
| 10. Taking possession of children | | | | £44.95 | £44.95 | £44.95 |
| (a) Arranging to take possession | | | | | | |
| (b) Arranging (b) and taking possession of each child | | | | £83.10 | £83.10 | £83.10 |
| 11. Arresting vessels, aircraft and cargo | £29.95 | £29.95 | £29.95 | £44.95 | £44.95 | £44.95 |
| (a) Arranging to arrest | | | | | | |

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|--|---------------|--------|--------|----------------|---------|---------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| Arranging (b) and effecting arrestment | £75.55 | £75.55 | £75.55 | £137.40 | £137.40 | £137.40 |
| 12. Miscellaneous | | | | | | |
| (a) To making any report or application under the Act of 1987 with the exception of reporting a poinding | £10.40 | £10.40 | £10.40 | £10.40 | £10.40 | £10.40 |
| (b) To granting any receipt required to be issued under the Act of 1987 | £5.30 | £5.30 | £5.30 | £5.30 | £5.30 | £5.30 |
| (c) To arranging locksmith or tradesman to be in attendance | £3.35 | £3.35 | £3.35 | £3.35 | £3.35 | £3.35 |

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|---|---------------|--------|--------|----------------|--------|--------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| (d) To grant a certificate of dispenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor | £10.40 | £10.40 | £10.40 | £10.40 | £10.40 | £10.40 |
| (e) Issuing a warrant to open lockfast places | £10.40 | £10.40 | £10.40 | £10.40 | £10.40 | £10.40 |
| (f) Time | | | | | | |
| (i) with witness | | | | | | |
| — | | | | | | |
| £16.65 per unit | | | | | | |
| (ii) without witness | | | | | | |
| — | | | | | | |
| £12.45 per unit | | | | | | |
| (g) Photocopies | | | | | | |

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|------|--|--------|--------|----------------|--------|--------|
| | Band 1 | Band 2 | Band 3 | Band 1 | Band 2 | Band 3 |
| | (i) first page of document — £1.15 | | | | | |
| | (ii) subsequent pages — per page — £0.50 | | | | | |

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) 1994 (S.I. [1994/392](#)) by increasing the fees payable to Sheriff Officers by about 3.3%. The last increase was in the Act of Sederunt (Fees of Sheriff Officers) (No.2) 1994 (S.I. [1994/3267](#)).