

2002 No. 515

SHERIFF COURT

Act of Sederunt (Fees of Sheriff Officers) 2002

Made 21st November 2002

Laid before the Scottish Parliament 25th November 2002

Coming into force 1st January 2003

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 40 of the Sheriff Courts (Scotland) Act 1907(a), section 6 of the Execution of Diligence (Scotland) Act 1926(b) 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) 2002 and shall come into force on 1st January 2003.

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

Amendment of fees

2.—(1) Subject to sub-paragraph (2) below, the Table of Fees in the Schedule to this Act of Sederunt shall be substituted for the Table in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) 1994(c) and shall apply to work carried out by a sheriff officer on or after 1 January 2003.

(2) Sub-paragraph (1) does not affect the fees payable as respects any work so carried out before 1 January 2003.

W. Douglas Cullen
Lord President I.P.D.

Edinburgh
21st November 2002

(a) 1907 c.51; section 40 was amended by the Sheriff Courts (Scotland) Act 1913 c.28, Schedule 1; the Secretaries of State Act 1926 c.18, section 1(3); the Administration of Justice (Scotland) Act 1933 c.41, Schedule; the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 c.12, Schedule 1, paragraph 7 and Schedule 2; and the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 c.40, Schedule 9.

(b) 1926 c.16.

(c) 1994/392, as amended by S.I. 1994/3267, S.I. 1995/3095, S.I. 1996/2858, S.I. 1997/2824, S.I. 1998/2669, S.S.I. 1999/150, S.S.I. 2000/419 and S.S.I. 2001/438.

SCHEDULE
TABLE OF FEES

<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>
1. Service or intimation of a document						
(a) Service						
(i) each person at a different address	£23.25	£35.90	£46.50	£38.05	£55.90	£72.90
(ii) each additional person at the same address or additional copy required to be served or intimated under the Act of 1987	£7.80	£7.80	£7.80	£12.70	£12.70	£12.70
(b) Postal service	£11.25	£11.25	£11.25	£18.80	£18.80	£18.80
(c) Postal diligence	£17.20	£17.20	£17.20	£28.20	£28.20	£28.20
2. Interdicts						
(a) Interdict only						
(i) each person at a different address				£104.65	£104.65	£104.65
(ii) each additional person at the same address				£23.00	£23.00	£23.00
(b) Interdict and service						
(i) each person at a different address				£117.50	£117.50	£117.50
(ii) each additional person at the same address				£35.80	£35.80	£35.80
3. Poindings						
(a) Serving notice of entry	£5.15	£5.15	£5.15	£7.90	£7.90	£7.90
(b) Arranging poinding and endeavouring but being unable to execute same for whatever reason	£40.50	£40.50	£40.50	£59.25	£59.25	£59.25

<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>
(c) Arranging and executing poinding where appraised value is–						
(i) £488 or under	£69.40	£69.40	£69.40	£69.40	£69.40	£69.40
(ii) Over £488 and up to £1,961	£107.55	£107.55	£107.55	£107.55	£107.55	£107.55
(iii) Over £1,961 and up to £19,754 - 10% of the appraised value						
(iv) Over £19,754 and up to £98,757 - 10% of the first £19,754, 5% thereafter						
(v) Over £98,757 - 10% of the first £19,754, 5% thereafter up to £98,757 and 1% thereafter						
(d) Reporting poinding	£6.65	£6.65	£6.65	£6.65	£6.65	£6.65
4. Poindings of motor vehicles, heavy plant or machinery						
(a) Arranging and executing poinding where appraised value is–						
(i) £488 or under	£69.40	£69.40	£69.40	£69.40	£69.40	£69.40
(ii) Over £488 and up to £2,170	£107.55	£107.55	£107.55	£107.55	£107.55	£107.55
(iii) Over £2,170 and up to £98,757 - 5% of the appraised value						
(iv) Over £98,757 - 5% of the first £98,757 and 1% thereafter						
(b) Reporting poinding	£6.65	£6.65	£6.65	£6.65	£6.65	£6.65

<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>
5. Sequestrations for rent, pounding of ground						
(a) Arranging for the sequestration or pounding of the ground and endeavouring but being unable to execute same for whatever reason	£37.70	£37.70	£37.70	£56.60	£56.60	£56.60
(b) Arranging and effecting sequestration where the appraised value is–						
(i) £488 or under	£66.60	£66.60	£66.60			
(ii) Over £488 and up to £1961	£104.65	£104.65	£104.65			
(iii) Over £1,961 as 3(c)(iii) above						
(c) Arranging and effecting ordinary sequestration or pounding of the ground				£104.65	£104.65	£104.65
(d) Service – as in item 1(a) or (b) above, as the case may be						
6. Sales						
(a) (i) Application for warrant of sale or variation of warrant of sale	£10.95	£10.95	£10.95	£10.95	£10.95	£10.95
(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	£17.15	£17.15	£17.15	£17.15	£17.15	£17.15

<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) Serving copy of warrant of sale and intimating the place and date of sale and if necessary the date of removal of poinded effects, as in item 1(a) or (b) above, as the case may be						
(c) Officer attending warrant sale conducted by auctioneer	£29.75	£50.50	£63.70	£29.75	£50.50	£63.70
(d) (i) Officer and witness attending warrant sale and being unable to execute same for whatever reason	£37.70	£37.70	£37.70	£56.60	£56.60	£56.60
(ii) Officer and witness conducting sale where the appraised value is £488 or under	£66.60	£66.60	£66.60	£66.60	£66.60	£66.60
(iii) Over £488	£104.65	£104.65	£104.65	£104.65	£104.65	£104.65
7. Ejections						
(a) Arranging ejection	£37.70	£37.70	£37.70	£56.60	£56.60	£56.60
(b) Arranging and executing ejection	£77.45	£77.45	£77.45	£87.90	£87.90	£87.90
8. Taking possession of effects						
(a) Arranging possession	£37.70	£37.70	£37.70	£56.60	£56.60	£56.60
(b) Arranging and effecting possession	£77.45	£77.45	£77.45	£104.65	£104.65	£104.65
9. Apprehensions						
(a) Arranging apprehension				£56.60	£56.60	£56.60
(b) Arranging and apprehending				£104.65	£104.65	£104.65

<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>
10. Taking possession of children						
(a) Arranging to take possession				£56.60	£56.60	£56.60
(b) Arranging and taking possession of each child				£104.65	£104.65	£104.65
11. Arresting vessels, aircraft and cargo						
(a) Arranging to arrest	£37.70	£37.70	£37.70	£56.60	£56.60	£56.60
(b) Arranging and effecting arrestment	£95.15	£95.15	£95.15	£173.00	£173.00	£173.00
12. Miscellaneous						
(a) To making any report or application under the Act of 1987 with exception of reporting a pouding	£13.10	£13.10	£13.10	£13.10	£13.10	£13.10
(b) To granting any receipt required to be issued under the Act of 1987	£6.65	£6.65	£6.65	£6.65	£6.65	£6.65
(c) To arranging locksmith or tradesman to be in attendance	£4.25	£4.25	£4.25	£4.25	£4.25	£4.25
(d) To granting certificate of displenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor	£13.10	£13.10	£13.10	£13.10	£13.10	£13.10
(e) Executing warrant to open lockfast places	£13.10	£13.10	£13.10	£13.10	£13.10	£13.10
(f) Time						
(i) with witness - £21.05 per unit						
(ii) without witness - £15.70 per unit						

<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>
(g) Photocopies						
(i) first page of document - £1.50						
(ii) subsequent pages - per page - £0.70						

EXPLANATORY NOTE

(This note is not part of the order)

This Act of Sederunt amends the Schedule to the Act of Sederunt (Fees of Sheriff Officers) 1994 (S.I. 1994/392) by increasing the fees payable to sheriff officers by about 2.6%.

The last increase was in the Act of Sederunt (Fees of Sheriff Officers) 2001 (S.S.I. 2001/439).

£2.00

© Crown Copyright 2002

Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
150 11/02 19593

