
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 431

COURT OF SESSION

Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2011

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|--|---------|--------------------------|
| <i>Made</i> | - - - - | <i>6th December 2011</i> |
| <i>Laid before the Scottish Parliament</i> | - - - - | <i>8th December 2011</i> |
| <i>Coming into force</i> | - - | <i>23rd January 2012</i> |

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⁽¹⁾, section 5 of the Court of Session Act 1988⁽²⁾ and of all other powers enabling them in that behalf, with the concurrence of the Lord Lyon King of Arms, do hereby 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) (No. 2) 2011 and comes into force on 23rd January 2012.

(2) A certified copy of this Act of Sederunt is to be inserted in the Books of Sederunt.

Amendment of fees

2.—(1) Subject to subparagraph (6), Schedule 1 to the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002⁽³⁾ is amended in accordance with the following subparagraphs.

(2) For General Regulation 3 substitute—

“3. Fees in relation to service or intimation of a document, citation of a person or diligence which is executed in a remote rural area shall be surcharged by the levying of an additional fee of 30 per cent of the fee specified in the Table of Fees.”.

(3) After General Regulation 3 insert—

“3A. Where the value of an action is over £100,000 the fees specified in the Table of Fees at Item 1(a), 2, 3(b), 3(c) and 12 shall be surcharged by the levying of an additional fee of 0.01 per cent of the value of the action.”.

(4) In General Regulation 15, after the definition of “postal service” insert—

⁽¹⁾ 1926 c.16.

⁽²⁾ 1988 c.36. Section 5 was last amended by the Judiciary and Courts (Scotland) Act 2008 (asp 6), section 46(3).

⁽³⁾ S.S.I. 2002/566, amended by S.S.I. 2003/536, 2004/515, 2005/582, 2006/540, 2007/532, 2008/430, 2009/383 and 2011/48.

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““remote rural area” means a settlement with a population of less than 3,000 people, and with a drive time of over 30 minutes to a settlement with a population of 10,000 people or more(4).”.

(5) For the Table of Fees substitute the Table of Fees in the Schedule to this Act of Sederunt.

(6) Subparagraphs (2) to (5) shall apply only to work carried out by a messenger-at-arms on or after 23rd January 2012 but shall not affect the fees payable as respects any work so carried out before that date.

Edinburgh
6th December 2011

A.C. HAMILTON
Lord President
I.P.D.

(4) The definition of “remote rural area” comes from the Scottish Government Urban/Rural Classification 2009-2010, published by the Office of the Chief Statistician, August 2010.

SCHEDULE

Paragraph 2(5)

TABLE OF FEES

| Item | £ |
|---|--------|
| 1. Service or intimation of a document | |
| (a) Service | |
| (i) each person at a different address | 95.40 |
| (ii) each additional person at the same address or additional copy required to be served or intimated under the Act of 1987 and the Act of 2002 | 18.85 |
| (b) Postal service | 27.15 |
| (c) Postal diligence | 41.35 |
| 2. Inhibitions | |
| (a) Inhibitions only | |
| (i) each person at a different address | 95.40 |
| (ii) each additional person at the same address | 30.70 |
| (b) Inhibition and service | |
| (i) each person at a different address | 113.90 |
| (ii) each additional person at the same address | 49.50 |
| (c) Inhibition, service and interdict | |
| (i) each person at a different address | 189.20 |
| (ii) each additional person at the same address | 80.45 |
| 3. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997) | |
| (a) Interdict only | |
| (i) each person at a different address | 139.45 |
| (ii) each additional person at the same address | 30.70 |
| (b) Interdict and service | |
| (i) each person at a different address | 158.40 |
| (ii) each additional person at the same address | 49.50 |
| (c) Interdict, service and inhibition | |
| (i) each person at a different address | 189.20 |
| (ii) each additional person at the same address | 80.45 |
| 4. Attachments | |
| (a) Service notice of entry | 10.55 |
| (b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason | 79.00 |
| (c) Arranging and executing attachment where appraised value is— | |

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| Item | £ |
|---|--------|
| (i) £651 or under | 92.50 |
| (ii) over £651 and up to £2,615 | 143.40 |
| (iii) over £2,615 and up to £26,339 – 10% of the appraised value | |
| (iv) over £26,339 and up to £131,682 – 10% of the first £26,339, 5% thereafter | |
| (v) over £131,682 – 10% of the first £26,339, 5% thereafter up to £131,682 and 1% thereafter | |
| (d) Reporting attachment | 8.80 |
| 5. Attachment of motor vehicles, heavy plant or machinery | |
| (a) Arranging and executing attachment where appraised value is— | |
| (i) £651 or under | 92.50 |
| (ii) over £651 and up to £2,893 | 143.40 |
| (iii) over £2,893 and up to £131,682 – 5% of the appraised value | |
| (iv) over £131,682 – 5% of the first £131,682 and 1% thereafter | |
| (b) Reporting attachment | 8.80 |
| 6. Money attachments under the Act of 2007 | |
| (a) Arranging attachment and endeavouring but being unable to execute the same for whatever reason | 79.00 |
| (b) Arranging and executing attachment, including removal of attached money, where value of money is— | |
| (i) £651 or under | 92.50 |
| (ii) over £651 and up to £2,615 | 143.40 |
| (iii) over £2,615 and up to £26,339 – 10% of the value | |
| (iv) over £26,339 and up to £131,682 – 10% of the first £26,339, 5% thereafter | |
| (v) over £131,682 – 10% of the first £26,339, 5% thereafter up to £131,682 and 1% thereafter | |
| (c) Reporting attachment | 8.80 |
| 7. Auctions | |
| (a) Arranging auction, preparing advertisement and giving public notice | 22.90 |
| (b) Serving copy of warrant of auction and intimating the place and date of auction and if necessary the date of removal of attached effects – as in item 1(a) or (b) above, as the case may be | |
| (c) Officer and witness attending auction but auction not executed for whatever reason | 75.50 |
| (d) Officer and witness attending auction sale | 139.45 |
| 8. Ejections | |

| Item | £ |
|---|--------|
| (a) Arranging ejection | 75.50 |
| (b) Arranging and executing ejection | 117.20 |
| 9. Taking possession of effects | |
| (a) Arranging possession | 75.50 |
| (b) Arranging and effecting possession | 139.45 |
| 10. Apprehensions | |
| (a) Arranging apprehension | 75.50 |
| (b) Arranging and apprehending | 139.45 |
| 11. Taking possession of children | |
| (a) Arranging to take possession | 75.50 |
| (b) Taking possession of each child | 139.45 |
| 12. Arresting vessels, aircraft and cargo | |
| (a) Arranging to arrest | 75.50 |
| (b) Arranging and effecting arrestment | 230.70 |
| 13. Miscellaneous | |
| (a) Making any report or application under the Act of 1987, the Act of 2002 or the Act of 2007 with the exception of reporting an attachment or a money attachment | 17.50 |
| (b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002 | 8.80 |
| (c) Arranging locksmith or tradesman to be in attendance | 5.60 |
| (d) Granting certificate of dispenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor | 17.50 |
| (e) Executing warrant to open lockfast places | 17.50 |
| (f) Time | |
| (i) with witness - £28.10 per unit | |
| (ii) without witness - £20.95 per unit | |
| (g) Photocopies | |
| (i) first page document - £1.95 | |
| (ii) subsequent pages – per page £1.10 | |

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EXPLANATORY NOTE

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

This Act of Sederunt amends Schedule 1 to the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002.

Paragraph 2(2) amends the General Regulations in relation to the fees of messengers-at-arms in remote rural areas.

Paragraph 2(3) amends the General Regulations in relation to the fees of messenger-at-arms where the value of the action is over £100,000.

Paragraph 2(4) amends the General Regulations in relation to the definition of a remote rural area.

Paragraph 2(5) substitutes a new Table of Fees increasing the fees payable to messengers-at-arms by 3.8%.

The changes only apply to work carried out on or after 23rd January 2012.