
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 340

COURT OF SESSION

Act of Sederunt (Fees of Messengers-at-Arms) (Amendment) (No. 2) 2012

<i>Made</i>	- - - -	<i>10th December 2012</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>12th December 2012</i>
<i>Coming into force</i>	- -	<i>28th January 2013</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⁾, section 75 of the Debtors (Scotland) Act 1987⁽³⁾ 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) (Amendment) (No. 2) 2012 and comes into force on 28th January 2013.

(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 (2) below, for the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002⁽⁴⁾ substitute the Table of Fees in the Schedule to this Act of Sederunt.

(2) Subparagraph (1) shall apply only to work carried out by a messenger-at-arms on or after 28th January 2013 but shall not affect the fees payable as respects any work so carried out before that date.

(1) 1926 c.16.

(2) 1988 c.36. Section 5 was amended by the Civil Evidence (Scotland) Act 1988 (c.32), section 2(3); the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), Schedule 9; the Children (Scotland) Act 1995 (c.36), Schedule 4, paragraph 45; the Vulnerable Witnesses (Scotland) Act 2004 (asp 3), section 14(1); the Judiciary and Courts (Scotland) Act 2008 (asp 6), section 46(3) and the Legal Services (Scotland) Act 2010 (asp 16).

(3) 1987 c.18. Section 75 was amended by the Public Services Reform (Scotland) Act 2012 (asp 8), Schedule 4.

(4) S.S.I. 2002/566, amended by S.S.I. 2003/536, 2004/515, 2005/582, 2006/540, 2007/532, 2008/430, 2011/48 and 2011/431.

Status: This is the original version (as it was originally made).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

Revocation

3. The Act of Sederunt (Fees of Messengers-at-Arms) (EC Service Regulation) 2008(5) is revoked.

Edinburgh
10th December 2012

BRIAN GILL
Lord President
I.P.D.

SCHEDULE

Paragraph 2(1)

TABLE OF FEES

Item	£
1. Service or intimation of a document	
(a) Service	
(i) each person at a different address	97.75
(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	19.30
(b) Postal service	27.80
(c) Postal diligence	42.35
2. Inhibitions	
(a) Inhibitions only	
(i) each person at a different address	97.75
(ii) each additional person at the same address	31.45
(b) Inhibition and service	
(i) each person at a different address	116.70
(ii) each additional person at the same address	50.70
(c) Inhibition, service and interdict	
(i) each person at a different address	193.85
(ii) each additional person at the same address	82.40
3. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997)	
(a) Interdict only	
(i) each person at a different address	142.85
(ii) each additional person at the same address	31.45
(b) Interdict and service	
(i) each person at a different address	162.30
(ii) each additional person at the same address	50.70
(c) Interdict, service and inhibition	
(i) each person at a different address	193.85
(ii) each additional person at the same address	82.40
4. Attachments	
(a) Service notice of entry	10.80
(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	80.95
(c) Arranging and executing attachment where appraised value is—	

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Item	£
(i) £667 or under	94.75
(ii) over £667 and up to £2,679	146.90
(iii) over £2,679 and up to £26,984 – 10% of the appraised value	
(iv) over £26,984 and up to £134,908 – 10% of the first £26,984, 5% thereafter	
(v) over £134,908 – 10% of the first £26,984, 5% thereafter up to £134,908 and 1% thereafter	
(d) Reporting attachment	9.00
5. Attachment of motor vehicles, heavy plant or machinery	
(a) Arranging and executing attachment where appraised value is—	
(i) £667 or under	94.75
(ii) over £667 and up to £2,964	146.90
(iii) over £2,964 and up to £134,908 – 5% of the appraised value	
(iv) over £134,908 – 5% of the first £134,908 and 1% thereafter	
(b) Reporting attachment	9.00
6. Money attachments under the Act of 2007	
(a) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	80.95
(b) Arranging and executing attachment, including removal of attached money, where value of money is—	
(i) £667 or under	94.75
(ii) over £667 and up to £2,679	146.90
(iii) over £2,679 and up to £26,984 – 10% of the value	
(iv) over £26,984 and up to £134,908 – 10% of the first £26,984, 5% thereafter	
(v) over £134,908 – 10% of the first £26,984, 5% thereafter up to £134,908 and 1% thereafter	
(c) Reporting attachment	9.00
7. Auctions	
(a) Arranging auction, preparing advertisement and giving public notice	23.45
(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	77.35
(d) Officer and witness attending auction sale	142.85
8. Ejections	

Item	£
(a) Arranging ejection	77.35
(b) Arranging and executing ejection	120.05
9. Taking possession of effects	
(a) Arranging possession	77.35
(b) Arranging and effecting possession	142.85
10. Apprehensions	
(a) Arranging apprehension	77.35
(b) Arranging and apprehending	142.85
11. Taking possession of children	
(a) Arranging to take possession	77.35
(b) Taking possession of each child	142.85
12. Arresting vessels, aircraft and cargo	
(a) Arranging to arrest	77.35
(b) Arranging and effecting arrestment	236.35
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	17.95
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	9.00
(c) Arranging locksmith or tradesman to be in attendance	5.75
(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	17.95
(e) Executing warrant to open lockfast places	17.95
(f) Time	
(i) with witness - £28.80 per unit	
(ii) without witness - £21.45 per unit	
(g) Photocopies	
(i) first page document - £2.00	
(ii) subsequent pages – per page £1.15	
(h) Service of a document in Scotland under Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13th November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000—	

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Item	£
(i) where service is effected by a method mentioned in rule 16.1(1)(a)(i), (ii), (iii) or (b)(i) of the Rules of the Court of Session 1994 (methods and manner of service on a person)	134.20
(ii) where service is effected by a method mentioned in rule 16.1(1)(a)(iv) or (b)(ii) of the Rules of the Court of Session 1994 (postal service)	42.80

EXPLANATORY NOTE

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

This Act of Sederunt amends the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002, by increasing the fees payable to messengers-at-arms by 2.45% with effect from 28th January 2013. The Act of Sederunt also incorporates the fee payable to messengers-at-arms in respect of service of documents under EC Service Regulations (Regulation (EC) No. 1348/2000). This fee was previously contained in a separate instrument, [S.S.I. 2008/366](#), which is revoked by this Act of Sederunt.