

**2024 No. 41**

**COURT OF SESSION**

**SHERIFF APPEAL COURT**

**SHERIFF COURT**

**Act of Sederunt (Fees of Messengers-at-Arms and Sheriff  
Officers) (Amendment) 2024**

*Made* - - - - - *7th February 2024*

*Laid before the Scottish Parliament* *9th February 2024*

*Coming into force* - - - *22nd March 2024*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(a), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by sections 105(1) and 106(1) of the Courts Reform (Scotland) Act 2014(b) and all other powers enabling it to do so.

**Citation and commencement, etc.**

**1.**—(1) This Act of Sederunt may be cited as the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2024.

(2) It comes into force on 22nd March 2024.

(3) A certified copy is to be inserted in the Books of Sederunt.

**Amendment of Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002**

**2.** For the Table of Fees in schedule 1 of Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002(c) substitute the Table of Fees in schedule 1 of this Act of Sederunt.

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(a) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).

(b) 2014 asp 18.

(c) S.S.I. 2002/566. The Table of Fees was last substituted by S.S.I. 2021/225.

**Amendment of Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002**

**3.** For the Table of Fees in schedule 1 of Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002<sup>(a)</sup> substitute the Table of Fees in schedule 2 of this Act of Sederunt.

**Saving**

**4.** Paragraphs 2 and 3 have no effect as regards fees payable in respect of work carried out before 22nd March 2024.

*CJM SUTHERLAND*  
Lord President  
I.P.D.

Edinburgh  
7th February 2024

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<sup>(a)</sup> S.S.I. 2002/567. The Table of Fees was last substituted by S.S.I. 2021/225.

SCHEDULE 1

Paragraph 2

**“TABLE OF FEES PAYABLE TO MESSENGERS-AT-ARMS**

<i>Item</i>	£
<b>1. Service or intimation of a document</b>	
(a) Service	
(i) each person at a different address	123.10
(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	24.28
(b) Postal service	34.99
(c) Postal diligence	53.31
<b>2. Inhibitions</b>	
(a) Inhibitions only	
(i) each person at a different address	123.10
(ii) each additional person at the same address	39.61
(b) Inhibition and service	
(i) each person at a different address	146.95
(ii) each additional person at the same address	63.83
(c) Inhibition, service and interdict	
(i) each person at a different address	244.07
(ii) each additional person at the same address	103.75
<b>3. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997(a))</b>	
(a) Interdict only	
(i) each person at a different address	179.87
(ii) each additional person at the same address	39.61

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(a) 1997 c. 40.

<i>Item</i>	<i>£</i>
(b) Interdict and service	
(i) each person at a different address	204.40
(ii) each additional person at the same address	63.83
(c) Interdict, service and inhibition	
(i) each person at a different address	244.07
(ii) each additional person at the same address	103.75
<b>4. Attachments</b>	
(a) Service notice of entry	13.63
(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	101.99
(c) Arranging and executing attachment where appraised value is—	
(i) £708 or under	119.33
(ii) over £708 and up to £2,845	184.98
(iii) over £2,845 and up to £28,648 – 10% of the appraised value	
(iv) over £28,648 and up to £143,231 – 10% of the first £28,648, 5% thereafter	
(v) over £143,231 – 10% of the first £28,648, 5% thereafter up to £143,231 and 1% thereafter	
(d) Reporting attachment	11.31
<b>5. Attachment of motor vehicles, heavy plant or machinery</b>	
(a) Arranging and executing attachment where appraised value is—	
(i) £708 or under	119.33
(ii) over £708 and up to £3,147	184.98
(iii) over £3,147 and up to £143,231 – 5% of the appraised value	
(iv) over £143,231 – 5% of the first £143,231 and 1% thereafter	
(b) Reporting attachment	11.31
<b>6. Money attachments under the Act of 2007</b>	
(a) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	101.99

<i>Item</i>	<i>£</i>
(b) Arranging and executing attachment, including removal of attached money, where value of money is—	
(i) £708 or under	119.33
(ii) over £708 and up to £2,845	184.98
(iii) over £2,845 and up to £28,648 – 10% of the value	
(iv) over £28,648 and up to £143,231 – 10% of the first £28,648, 5% thereafter	
(v) over £143,231 – 10% of the first £28,648, 5% thereafter up to £143,231 and 1% thereafter	
(c) Reporting attachment	11.31
<b>7. Auctions</b>	
(a) Arranging auction, preparing advertisement and giving public notice	29.51
(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	97.42
(d) Officer and witness attending auction sale	179.87
<b>8. Ejections</b>	
(a) Arranging ejection	97.42
(b) Arranging and executing ejection	151.21
<b>9. Taking possession of effects</b>	
(a) Arranging possession	97.42
(b) Arranging and effecting possession	179.87
<b>10. Apprehensions</b>	
(a) Arranging apprehension	97.42
(b) Arranging and apprehending	179.87
<b>11. Uplifting children</b>	
(a) Arranging uplift	97.42
(b) Uplifting each child	179.87

<i>Item</i>	<i>£</i>
<b>12. Arresting vessels, aircraft and cargo</b>	
(a) Arranging to arrest	97.42
(b) Arranging and effecting arrestment	297.68
<b>13. Miscellaneous</b>	
(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	22.63
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	11.31
(c) Arranging locksmith or tradesperson to be in attendance	7.24
(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	22.63
(e) Executing warrant to open lockfast places	22.63
(f) Time	
(i) with witness – £36.26 per unit	
(ii) without witness – £27.02 per unit	
(g) Photocopies	
(i) first page document – £2.55	
(ii) subsequent pages – per page £1.40	
(h) Service of a document in Scotland under the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters concluded on 15th November 1965 (commonly referred to as the “Hague Service Convention”)—	
(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)	169.04
(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)	53.85”

SCHEDULE 2

Paragraph 3

“TABLE OF FEES PAYABLE TO SHERIFF OFFICERS

<i>Item</i>	<i>Column A</i>	<i>Column B</i>
	£	£
<b>1. Service or intimation of a document</b>		
(a) Service		
(i) each person at a different address	61.70	96.27
(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	13.45	21.72
(b) Postal service	18.86	31.95
(c) Postal diligence	29.27	48.02
<b>2. Inhibitions</b>		
(a) Inhibitions only		
(i) each person at a different address	79.53	123.10
(ii) each additional person at the same address	25.63	39.61
(b) Inhibition and service		
(i) each person at a different address	92.85	143.41
(ii) each additional person at the same address	40.34	62.31
(c) Inhibition, service and interdict		
(i) each person at a different address		238.22
(ii) each additional person at the same address		101.38
<b>3. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997(a) and antisocial behaviour orders under the Antisocial Behaviour etc. (Scotland) Act 2004(b))</b>		

(a) 1997 c. 40.

(b) 2004 asp 8.

<i>Item</i>	<i>Column A</i>	<i>Column B</i>
	£	£
(a) Interdict only		
(i) each person at a different address		179.87
(ii) each additional person at the same address		39.61
(b) Interdict and service		
(i) each person at a different address		202.20
(ii) each additional person at the same address		61.59
<b>4. Attachments</b>		
(a) Service notice of entry	8.83	13.63
(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	69.67	101.99
(c) Arranging and executing attachment where appraised value is—		
(i) £708 or under	119.33	119.33
(ii) over £708 and up to £2,845	184.98	184.98
(iii) over £2,845 and up to £28,648 – 10% of the appraised value		
(iv) over £28,648 and up to £143,231 – 10% of the first £28,648, 5% thereafter		
(v) over £143,231 – 10% of the first £28,648 5% thereafter up to £143,231 and 1% thereafter		
(d) Reporting attachment	11.31	11.31
<b>5. Attachment of motor vehicles, heavy plant or machinery</b>		
(a) Arranging and executing attachment where appraised value is—		
(i) £708 or under	119.33	119.33
(ii) over £708 and up to £3,147	184.98	184.98
(iii) over £3,147 and up to £143,231 – 5% of the appraised value		



<i>Item</i>	<i>Column A</i> £	<i>Column B</i> £
(iv) over £143,231 – 5% of the first £143,231 and 1% thereafter		
(b) Reporting attachment	11.31	11.31
<b>6. Money attachments under the Act of 2007</b>		
(a) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	69.67	101.99
(b) Arranging and executing attachment, including removal of attached money, where value of money is—		
(i) £708 or under	119.33	119.33
(ii) over £708 and up to £2,845	184.98	184.98
(iii) over £2,845 and up to £28,648 – 10% of the value		
(iv) over £28,648 and up to £143,231 – 10% of the first £28,648, 5% thereafter		
(v) over £143,231 – 10% of the first £28,648, 5% thereafter up to £143,231 and 1% thereafter		
(c) Reporting attachment	11.31	11.31
<b>7. Auctions</b>		
(a) Arranging auction, preparing advertisement and giving public notice	29.51	29.51
(b) Intimating the place and date of auction and if necessary the date of removal of attached effects – as in items 1(a) or (b) above, as the case may be		
(c) Officer and witness attending auction but auction not executed for whatever reason	64.92	97.42
(d) Officer and witness attending auction	179.87	179.87
<b>8. Ejections</b>		
(a) Arranging ejection	64.92	97.42
(b) Arranging and executing ejection	133.32	151.21

<i>Item</i>	<i>Column A</i>	<i>Column B</i>
	£	£
<b>9. Taking possession of effects</b>		
(a) Arranging possession	64.92	97.42
(b) Arranging and effecting possession	133.32	179.87
<b>10. Apprehensions</b>		
(a) Arranging apprehension		97.42
(b) Arranging and apprehending		179.87
<b>11. Uplifting children</b>		
(a) Arranging uplift		97.42
(b) Uplifting of each child		179.87
<b>12. Arresting vessels, aircraft and cargo</b>		
(a) Arranging to arrest	64.92	97.42
(b) Arranging and effecting arrestment	163.74	297.68
<b>13. Miscellaneous</b>		
(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	22.63	22.63
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	11.31	11.31
(c) Arranging locksmith or tradesperson to be in attendance	7.24	7.24
(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	22.63	22.63
(e) Executing warrant to open lockfast places	22.63	22.63
(f) Time		
(i) with witness – £36.26 per unit		
(ii) without witness – £27.02 per unit		

<i>Item</i>	<i>Column A</i>	<i>Column B</i>
	£	£
(g) Photocopies		
(i) first page document – £2.55		
(ii) subsequent pages – per page £1.40		
(h) Service of a document in Scotland under the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters concluded on 15th November 1965 (commonly referred to as the “Hague Service Convention”) where service is effected by a method mentioned in rule 5.4(1), (3), (4) or (5) of the Ordinary Cause Rules 1993 (service within Scotland by sheriff officer) <sup>(a)</sup> or rule 5.5 of the Act of Sederunt (Sheriff Appeal Court Rules) 2021 (methods of intimation: by sheriff officer) <sup>(b)</sup>	169.02	169.02”

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(a) The Ordinary Cause Rules are in schedule 1 of the Sheriff Courts (Scotland) Act 1907 (c. 51). Schedule 1 was substituted by S.I. 1993/1956 and last amended by S.S.I. 2023/196.

(b) S.S.I. 2021/468.

## EXPLANATORY NOTE

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

This Act of Sederunt makes changes to the Tables of Fees regulating the fees of Messengers-at-Arms and sheriff officers.

Paragraphs 2 and 3 substitute new Tables of Fees for Messengers-at-Arms and sheriff officers in Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002 and Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002 respectively.

The fee levels in the new Tables of Fees represent an increase of 11.9% on the existing fees. This increase takes effect from 22nd March 2024.

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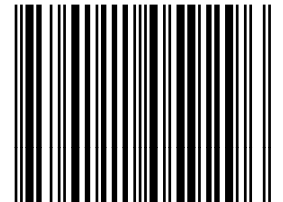
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