
STATUTORY INSTRUMENTS

1988 No. 2059 (S.195)

**COURT OF SESSION, SCOTLAND
SHERIFF COURT, SCOTLAND**

Act of Sederunt (Form of charge for payment) 1988

Made - - - - 24th November 1988

Coming into force - - 30th November 1988

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 5 of the Court of Session Act 1988⁽¹⁾, section 32 of the Sheriff Courts (Scotland) Act 1971⁽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 (Form of charge for payment) 1988 and shall come into force on 30th November 1988.

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

Form of charge for payment

2. The form of charge for payment of money to be used by a messenger-at-arms or a sheriff officer under section 90 of the Debtors (Scotland) Act 1987⁽³⁾ shall be in the form in the Schedule to this Act of Sederunt or a form substantially to the same effect with such variation as circumstances may require.

Edinburgh
24th November 1988

Emslie
Lord President, IPD

(1) 1988 c. 36
(2) 1971 c. 58
(3) 1987 c. 18

Status: This is the original version (as it was originally made).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

SCHEDULE

Paragraph 2

FORM OF CHARGE FOR PAYMENT OF MONEY CHARGE FOR PAYMENT OF MONEY

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in
[AB] (address)
PURSUER
against
[CD] (address)
DEFENDER

To (name and address of debtor)

On (date) a decree against you was granted in the Court of Session [or the sheriff court at (place)] for payment of a sum of money in the above action [or give details of other document upon which charge proceeds].

The decree was extracted on (date).

I, (name and address), messenger-at-arms [or sheriff officer], by virtue of the extract decree, in Her Majesty's name and authority and in the name and authority of the Lords of Council and Session [or the sheriff] charge you to pay the total sum due as set out below [together with any further interest] within [14] days after the date of this charge to (name and address of person to whom payment to be made).

If you do not pay this sum within [14] days you are liable to have further action taken against you including arrestment of your earnings and the poinding and sale of articles belonging to you. You are also liable to be sequestrated (declared bankrupt).

This charge is served on you today by me by (state method of service) and is witnessed by (name and address of witness).

Dated the day of 19

(Signed)
Witness

(Signed)
Messenger-at-arms [or sheriff officer]

The sum now due by you is:-	
Principal sum	£
Interest to date	£
Expenses	£ _____
TOTAL	£
Less paid to account	£ _____
Agent's fee	£
Expenses of messenger-at-arms [or sheriff officer]	£
Charge fee	£
Travelling	£
Witness fee	£
Other outlays in connection with service of charge (specify)	£ _____
TOTAL SUM DUE	£
[Interest on the principal sum will continue to run until the date of payment.]	

IF YOU ARE NOT SURE WHAT TO DO YOU SHOULD CONSULT A SOLICITOR, CITIZENS ADVICE BUREAU OR OTHER LOCAL ADVICE CENTRE IMMEDIATELY.

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EXPLANATORY NOTE

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

This Act of Sederunt makes provision for the form of charge for payment of money to be used by a messenger-at-arms or a sheriff officer under section 90 of the Debtors (Scotland) Act 1987.