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STATUTORY INSTRUMENTS

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**1997 No. 2825 (S.178)**

**COURT OF SESSION, SCOTLAND**

**Act of Sederunt (Fees of Messengers-at-Arms) 1997**

*Made* - - - - - *21st November 1997*

*Coming into force* - - - *1st January 1998*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 6 of the Execution of Diligence (Scotland) Act 1926<sup>(1)</sup> section 5 of the Court of Session Act 1988<sup>(2)</sup> 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) 1997 and shall come into force on 1st January 1998.

(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 Messengers-at-Arms) 1994<sup>(3)</sup> and shall apply to work carried out by a messenger-at-arms on or after the date on which this Act of Sederunt comes into force.

(2) Sub-paragraph (1) above does not affect the fees payable as respects any work so carried out before the date mentioned in that sub-paragraph.

Edinburgh  
21st November 1997

*Rodger of Earlsferry*  
Lord President, I.P.D.

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(1) 1926 c. 16.

(2) 1988 c. 36.

(3) S.I. 1994/391, as amended by S.I. 1994/3268, 1995/3094 and 1996/2855.

**Status:** This is the original version (as it was originally made).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

SCHEDULE

Para.2(1).

TABLE OF FEES

<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
<b>1. Service of a document</b>	<b>£35.80</b>	<b>£60.65</b>	<b>£76.60</b>
(a) Service			
(i) each person at a different address			
(ii) each additional person at the same address or additional copy required to be served or intimated under the Act of 1987	£11.95	£11.95	£11.95
(b) (b) Postal service	£17.55	£17.55	£17.55
(c) (c) Postal diligence	£26.50	£26.50	£26.50
<b>2. Inhibitions</b>	<b>£37.65</b>	<b>£60.65</b>	<b>£76.60</b>
(a) Inhibition only			
(i) each person at a different address			
(ii) each additional person at the same address	£19.50	£19.50	£19.50
(b) (b) Inhibition and service	£49.50	£72.55	£88.75
(i) each person at a different address			
(ii) each additional person at the same address	£31.50	£31.50	£31.50

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<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
(c) <b>(a)</b> Inhibition, service and interdict	£120.30	£120.30	£120.30
(i) each person at a different address			
(ii) each additional person at the same address	£51.10	£51.10	£51.10
<b>3. Interdicts</b>	£88.75	£88.75	£88.75
(a) Interdict only			
(i) each person at a different address			
(ii) each additional person at the same address	£19.50	£19.50	£19.50
(b) <b>(b)</b> Interdict and service	£100.70	£100.70	£100.70
(i) each person at a different address			
(ii) each additional person at the same address	£31.50	£31.50	£31.50
(c) <b>(c)</b> Interdict, service and inhibition	£120.30	£120.30	£120.30
(i) each person at a different address			
(ii) each additional person at the same address	£51.10	£51.10	£51.10
<b>4. Poidings</b>	£6.70	£6.70	£6.70

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<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
(a) Serving notice of entry			
(b) <del>(b)</del> Arranging pointing and endeavouring, but being unable, to execute it for whatever reason	£50.30	£50.30	£50.30
(c) <del>(c)</del> Arranging and executing pointing where appraised value is	£58.85	£58.85	£58.85
(i) £414 or under			
(ii) over £414 and up to £1,664	£91.15	£91.15	£91.15
(iii) Over £1,664 and up to £16,754 – 10% of the appraised value only			
(iv) Over £16,754 and up to £83,760 - 10% of the first £16,754, 5% thereafter up to £83,760 of the appraised value			
(v) Over £83,760 – 10% of the first £16,754, 5% thereafter up to £83,760 and 1% of the appraised value over £83,760			
(d) <del>(d)</del> Reporting pointing	£5.65	£5.65	£5.65
<b>5. Pointings of motor vehicles, heavy plant or machinery</b>	£58.85	£58.85	£58.85

<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
(a) Arranging and executing pinding where appraised value is			
(i) £414 or under			
(ii) Over £414 and up to £1,841	£91.15	£91.15	£91.15
(iii) Over £1,841 and up to £83,760 5% of the appraised value only			
(iv) Over £83,760 – 5% of the first £83,760, and 1% thereafter of the appraised value			
(b) <del>(b)</del> Reporting pinding	£5.65	£5.65	£5.65
<b>6. Sequestrations for rent, pinding of ground</b>	£48.00	£48.00	£48.00
(a) Arranging for the sequestration or pinding of the ground and endeavouring, but being unable, to execute it for whatever reason			
(b) <del>(b)</del> Arranging and effecting sequestration or pinding of the ground	£88.75	£88.75	£88.75
<b>7. Sales</b>	£11.15	£11.15	£11.15
(a) (i) Application for			

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<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
warrant of sale or variation of a warrant of sale			
(ii) Intimating application – as in item l(a) or (b) above, as the case may be			
(b) (i) Arranging warrant sale, preparing advertisement and giving public notice	£14.50	£14.50	£14..50
(ii) Serving copy of warrant of sale and intimating the place and date of sale and if necessary the date of removal of pointed effects – as in item l(a) or (b) above, as the case may be			
(c) (A) Attending warrant sale alone conducted by auctioneer	£25.25	£42.80	£54.05
(d) (i) Attending warrant sale with witness and being unable to execute it for	£48.00	£48.00	£48.00

<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
	whatever reason		
(ii) Conducting warrant sale with witness where the appraised value is— £414 or under	£56.55	£56.55	£56.55
Over £414	£88.75	£88.75	£88.75
<b>8. Ejections</b>	£48.00	£48.00	£48.00
(a) Arranging ejection			
(b) <del>(a)</del> Arranging and executing ejection	£74.60	£74.60	£74.60
<b>9. Taking possession of effects</b>	£48.00	£48.00	£48.00
(a) Arranging possession			
(b) <del>(a)</del> Arranging and effecting possession	£88.75	£88.75	£88.75
<b>10. Apprehensions</b>	£48.00	£48.00	£48.00
(a) Arranging apprehension			
(b) <del>(a)</del> Arranging and apprehending	£88.75	£88.75	£88.75
<b>11. Taking possession of children</b>	£48.00	£48.00	£48.00
(a) Arranging to take possession			
(b) (b) Taking possession of each child	£88.75	£88.75	£88.75
<b>12. Arresting vessels, aircraft and cargo</b>	£48.00	£48.00	£48.00
(a) Arranging to arrest			

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<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
(b) <del>(b)</del> Arranging and effecting arrestment	£146.75	£146.75	£146.75
<b>13. Miscellaneous</b>	£11.10	£11.10	£11.10
(a) Making any report or application under the Act of 1987 with the exception of reporting a poinding			
(b) <del>(b)</del> Granting any receipt required to be issued under the Act of 1987	£5.65	£5.65	£5.65
(c) <del>(c)</del> Arranging for locksmith or tradesman to be in attendance	£3.60	£3.60	£3.60
(d) <del>(d)</del> Granting certificate of displenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor	£11.10	£11.10	£11.10
(e) <del>(e)</del> Executing warrant to open lockfast places	£11.10	£11.10	£11.10
(f) (f) Time			
(i) with witness			
–			
£17.80			



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	per unit		
(ii)	without witness – £13.30 per unit		
(g)	(g) Photocopies		
	(i) first page of document – £1.25		
	(ii) subsequent pages – per page – £0.60.		

### EXPLANATORY NOTE

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

This Act of Sederunt amends the Act of Sederunt (Fees of Messengers-at-Arms) 1994 (S.I. [1994/391](#)) by increasing the fees payable to Messengers-at-Arms by about 3.7%.

The last increase was in the Act of Sederunt (Fees of Messengers-at-Arms) 1996 (S.I. [1996/2855](#)).