
STATUTORY INSTRUMENTS

1998 No. 2668 (S.132)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Fees of Messengers-at-Arms) 1998

Made - - - - *22nd October 1998*

Coming into force - - - *1st January 1999*

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⁽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) 1998 and shall come into force on 1st January 1999.

(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⁽³⁾ 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
22nd October 1998

Rodger of Earlsferry
Lord President I.P.D.

(1) 1926 c. 16.

(2) 1988 c. 36.

(3) S.I. 1994/391, as amended by S.I. 1994/3268, S.I. 1995/3094, S.I. 1996/2855 and S.I. 1997/2825.

Status: This is the original version (as it was originally made).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>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
<i>Service or intimation of a document</i>	£37.25	£63.15	£79.75
(a) (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	£12.45	£12.45	£12.45
(b) (b) Postal service	£18.25	£18.25	£18.25
(c) (c) Postal diligence	£27.60	£27.60	£27.60
<i>Inhibitions</i>	£39.20	£63.15	£79.75
(a) (a) Inhibition only			
(i) each person at a different address			
(ii) each additional person at the same address	£20.30	£20.30	£20.30
(b) (b) Inhibition and service	£51.55	£75.50	£92.40
(i) each person at a different address			
(ii) each additional person at the same address	£32.80	£32.80	£32.80

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	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
(c) (a) Inhibition, service and interdict	£125.25	£125.25	£125.25
(i) each person at a different address			
(ii) each additional person at the same address	£53.20	£53.20	£53.20
<i>Interdicts</i>	£92.40	£92.40	£92.40
(a) (a) Interdict only			
(i) each person at a different address			
(ii) each additional person at the same address	£20.30	£20.30	£20.30
(b) (b) Interdict and service	£104.85	£104.85	£104.85
(i) each person at a different address			
(ii) each additional person at the same address	£32.80	£32.80	£32.80
(c) (d) Interdict, service and inhibition	£125.25	£125.25	£125.25
(i) each person at a different address			
(ii) each additional person at the same address	£53.20	£53.20	£53.20

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	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
<i>Poundings</i>	£6.95	£6.95	£6.95
(a) (a)Serving notice of entry			
(b) (b)Arranging pounding and endeavouring, but being unable, to execute it for whatever reason	£52.35	£52.35	£52.35
(c) (c)Arranging and executing pounding where appraised value is—	£61.25	£61.25	£61.25
(i) £431 or under			
(ii) over £431 and up to £1,732	£94.90	£94.90	£94.90
(iii) Over £1,732 and up to £17,441 – 10 % of the appraised value			
(iv) Over £17,441 and up to £87,194 – 10 % of the first £ 17,441, 5 % thereafter			
(v) Over £87,194 – 10% of the first £17,441, 5% thereafter up to £87,194 and 1% thereafter			
(d) (d)Reporting pounding	£5.90	£5.90	£5.90
<i>Poundings of motor vehicles, heavy plant or machinery</i>	£61.25	£61.25	£61.25
(a) (a)Arranging and			

	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
executing pounding where appraised value is—			
(i) £431 or under			
(ii) Over £431 and up to £1,916	£94.90	£94.90	£94.90
(iii) Over £1,916 and up to £87,194 – 5% of the appraised value			
(iv) Over £87,194 – 5% of the first £87,194, and 1% thereafter			
(b) (b) Reporting pounding	£5.90	£5.90	£5.90
<i>Sequestrations for rent, pounding of ground</i>	£49.95	£49.45	£49.45
(a) (a) Arranging for the sequestration or pounding of the ground and endeavouring, but being unable, to execute it for whatever reason			
(b) (b) Arranging and effecting sequestration or pounding of the ground	£92.40	£92.40	£92.40
<i>Sales</i>	£11.60	£11.60	£11.60
(a) (i) Application for warrant of sale or variation			

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	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
of a warrant of sale			
(ii) Intimating application – as in item 1(a) or			
(b) (b) above, as the case may be			
(b) (i) Arranging warrant sale, preparing advertisement and giving public notice	£15.10	£15.10	£15.10
(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 1(a) or (b) above, as the case may be			
(c) (A) Attending warrant sale alone conducted by auctioneer	£26.30	£44.55	£56.25
(d) (i) Attending warrant sale with witness and being unable to execute it for whatever reason	£49.95	£49.95	£49.95

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	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
(ii) Conducting warrant sale with witness where the appraised value is—	£58.85	£58.85	£58.85
£431 or under			
Over £431	£92.40	£92.40	£92.40
<i>Ejections</i>	£49.95	£49.95	£49.95
(a) (A) ranging ejection			
(b) (A) ranging and executing ejection	£77.65	£77.65	£77.65
<i>Taking possession of effects</i>	£49.95	£49.95	£49.95
(a) (A) ranging possession			
(b) (A) ranging and effecting possession	£92.40	£92.40	£92.40
<i>Apprehensions</i>	£49.95	£49.95	£49.95
(a) (A) ranging apprehension			
(b) (A) ranging and apprehending	£92.40	£92.40	£92.40
<i>Taking possession of children</i>	£49.95	£49.95	£49.95
(a) (A) ranging to take possession			
(b) (b) Taking possession of each child	£92.40	£92.40	£92.40
<i>Arresting vessels, aircraft and cargo</i>	£49.95	£49.95	£49.95
(a) (A) ranging to arrest			

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	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
(b) (A) Arranging and effecting arrestment	£152.75	£152.75	£152.75
<i>Miscellaneous</i>	£11.55	£11.55	£11.55
(a) (a) Making any report or application under the Act of 1987 with the exception of reporting a pointing			
(b) (B) Granting any receipt required to be issued under the Act of 1987	£5.90	£5.90	£5.90
(c) (A) Arranging for locksmith or tradesman to be in attendance	£3.75	£3.75	£3.75
(d) (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	£11.55	£11.55	£11.55
(e) (E) Executing warrant to open lockfast places	£11.55	£11.55	£11.55
(f) (f) Time			
(i) with witness			
—			
£18.55			

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	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
per unit			
(ii) without witness – £13.85 per unit			
(g) (g) Photocopies			
(i) first page of document – £1.30			
(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 4.1%.

The last increase was in the Act of Sederunt (Fees of Messengers-at-Arms) 1997 (S.I. [1997/2825](#)).