
STATUTORY INSTRUMENTS

1992 No. 82 (S.6)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Fees of Sheriff Officers) 1992

Made - - - - *16th January 1992*
Laid before Parliament *27th January 1992*
Coming into force - - *17th February 1992*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 40 of the Sheriff Courts (Scotland) Act 1907⁽¹⁾, section 6 of the Execution of Diligence (Scotland) Act 1926⁽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 (Fees of Sheriff Officers) 1992 and shall come into force on 17th February 1992.

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

Amendment of fees

2.—(1) Subject to this rule and the following rule, for the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) 1990⁽³⁾, substitute the Table of Fees in the Schedule to this Act of Sederunt.

(2) The Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) 1990 as substituted by paragraph (1) above shall apply to work done on or after the date on which this Act of Sederunt comes into force.

(3) The Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) 1990 having effect before the substitution under paragraph (1) above shall continue to have effect in respect of work done before the date on which this Act of Sederunt comes into force.

(1) 1907 c. 51; section 40 was amended by the Schedule to the Administration of Justice (Scotland) Act 1933 (c. 41) and by paragraph 7 of Schedule 1 to and Schedule 2 to the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12) and is to be read with section 1(3) of the Secretaries of State Act 1926 (c. 18).

(2) 1926 c. 16.

(3) S.I. 1990/381; amended by S.I. 1991/290.

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Edinburgh,
16th January 1992

J.A.D. Hope
Lord President, IPD

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SCHEDULE

Paragraph 2(1)

TABLE OF FEES

Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
1. Service or intimation of a document	16.30	25.10	32.40	26.65	39.10	50.85
(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	5.45	5.45	5.45	8.90	8.90	8.90
(b) Postal service	8.15	8.15	8.15	13.35	13.35	13.35
(c) Postal diligence	12.25	12.25	12.25	20.05	20.05	20.05
2. Interdicts				73.10	73.10	73.10
(a) Interdicts only						
(i) each person at a different address						

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
(ii) each additional person at the same address				16.05	16.05	16.05
Interdict (b) and service				82.00	82.00	82.00
(i) each person at a different address						
(ii) each additional person at the same address				25.00	25.00	25.00
3. Poinding	3.60	3.60	3.60	5.50	5.50	5.50
(a) Saving notice of entry						
Arranging (b)	28.25	28.25	28.25	41.40	41.40	40.40
(b) poinding and endeavouring but being unable to execute same for whatever reason						
Arranging (c)	48.45	48.45	48.45	48.45	48.45	48.45
(c) and executing poinding where appraised value is—						

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
(i) £340 or under						
(ii) Over £340 and up to £1,370	75.00	75.00	75.00	75.00	75.00	75.00
(iii) Over £1,370 and up to £13,795 — 10% of the appraised value only						
(iv) Over £13,795 and up to £68,970 — 10% of the first £13,795, 5% thereafter up to £68,970 of the appraised value						
(v) Over £68,970 — 10% of the first £13,795, 5% thereafter up to £68,970 and 1%						

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
of the appraised value over £68,970						
Reporting (a) pointing	4.65	4.65	4.65	4.65	4.65	4.65
4. Pointing of motor vehicles, heavy plant or machinery	48.45	48.45	48.45	48.45	48.45	48.45
(a) Arranging and executing pointing where appraised value is—						
(i) £340 or under						
(ii) Over £340 and up to £1,515	75.00	75.00	75.00	75.00	75.00	75.00
(iii) Over £1,515 and up to £68,970—5% of the appraised value only						
(iv) Over £68,970—5% of first £68,970 and 1% thereafter of the						

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
appraised value						
Reporting (b) 4.65	4.65	4.65	4.65	4.65	4.65	4.65
5. Sequestrations for rent, pointing of ground	26.35	26.35	26.35	39.50	39.50	39.50
(a) Arranging for the sequestration or pointing of the ground and endeavouring but being unable to execute same for whatever reason						
Arranging (b) 46.50 and effecting sequestration where the appraised value is—	46.50	46.50	46.50			
(i) £340 or under						
(ii) Over £340 and up to £1,370	73.10	73.10	73.10			
(iii) Over £1,370						

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
as 3(c) (iii) above						
Arranging (c) and effecting ordinary sequestration or pounding of the ground				73.10	73.10	73.10
Service (d) — as in item 1(a) or (b) above, as the case may be						
6. Sales	7.60	7.60	7.60	7.60	7.60	7.60
(a) (i) Application for warrant of sale or variation of warrant of sale						
(ii) Intimating application as in item 1(a) and (b) above, as the						

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
case may be						
(b) (i) Arranging warrant sale, preparing advertisement and giving public notice	11.90	11.90	11.90	11.90	11.90	11.90
(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						
Officer attending warrent sale conducted by auctioneer	20.80	20.80	20.80	20.80	20.80	20.80

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
(d) (i) Officer and witness attending warrant sale and being unable to execute same for whatever reason	26.35	26.35	26.35	26.35	26.35	26.35
(ii) Officer and witness conducting sale where the appraised value is £340 or under	46.50	46.50	46.50	46.50	46.50	46.50
(iii) Over £340	73.10	73.10	73.10	73.10	73.10	73.10
7. Ejection	26.35	26.35	26.35	39.10	39.10	39.10
(a) Arranging possessions	26.35	26.35	26.35	39.10	39.10	39.10
(b) Arranging and executing ejection	54.10	54.10	54.10	61.40	61.40	61.40
8. Taking possession of effects	26.35	26.35	26.35	39.10	39.10	39.10
(a) Arranging possession	26.35	26.35	26.35	39.10	39.10	39.10
(b) Arranging and effecting possession	54.10	54.10	54.10	73.10	73.10	73.10

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<i>Item</i>	<i>Summary cause</i>			<i>Ordinary cause</i>		
	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
9. Apprehensions				39.50	39.50	39.50
(a) Arranging apprehensions						
(b) Arranging and apprehending				73.10	73.10	73.10
10. Taking possession of children				39.50	39.50	39.50
(a) Arranging to take possession						
(b) Arranging and taking possession of each child				73.10	73.10	73.10
11. Arresting vessels, aircraft and cargo	26.35	26.35	26.35	39.50	39.50	39.50
(a) Arranging to arrest						
(b) Arranging and effecting arrestment	66.45	66.45	66.45	120.85	120.85	120.85
12. Miscellaneous	9.15	9.15	9.15	9.15	9.15	9.15
(a) To making any report or application under the Act of 1987 with exception of						

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
(b)	4.65	4.65	4.65	4.65	4.65	4.65
(c)	2.95	2.95	2.95	2.95	2.95	2.95
(d)	9.15	9.15	9.15	9.15	9.15	9.15

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Item	Summary cause			Ordinary cause		
	Band 1	Band 2	Band 3	Band 1	Band 2	Band 3
the creditor						
Executing (e) warrant to open	9.15	9.15	9.15	9.15	9.15	9.15
(f) (f) Time						
(i) with witness						
—						
£14.65 per unit						
(ii) without witness						
—						
£10.95 per unit						
(g) Photocopies						
(i) first sheet of document						
—						
£0.95						
(ii) subsequent sheets						
—						
£0.50						

EXPLANATORY NOTE

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

This Act of Sederunt amends the Act of Sederunt (Fees of Sheriff Officers) 1990 by increasing the fees payable to Sheriff Officers by about 6%. The last increase was in the Act of Sederunt (Fees of Sheriff Officers) 1991 (S.I. 1991/290). It also amends the entry in the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) 1990 (S.I. 1990/379) relating to photocopies.