#### 2005 No. 582

### **COURT OF SESSION**

## Act of Sederunt (Fees of Messengers-at-Arms) 2005

*Made - - - - 10th November 2005* 

Coming into force - - 1st January 2006

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 6 of the Execution of Diligence (Scotland) Act 1926(a), section 5 of the Court of Session Act 1988(b) 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) 2005 and shall come into force on 1st January 2006.
  - (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) (No. 2) 2002(c).
- (2) Sub-paragraph (1) shall apply to work carried out by a messenger-at-arms on or after 1st January 2006 but shall not affect the fees payable as respects any work so carried out before that date.

Cullen of Whitekirk Lord President I.P.D.

Edinburgh 10th November 2005

<sup>(</sup>a) 1926 c.16.

<sup>(</sup>b) 1988 c.36.

<sup>(</sup>c) S.S.I. 2002/566, amended by S.S.I. 2003/536 and S.S.I. 2004/515.

## Paragraph 2

# **SCHEDULE**

# TABLE OF FEES

Item			Band 1	Band 2	Band 3
			£	£	£
1.	Servic	ce or intimation of a document			
	(a)	Service			
		(i) each person at a different			
		address	46.65	79.20	100.00
		(ii) each additional person at			
		same address or addition			
		copy required to be serve or intimated under the A			
		of 1987 and the Act of 20		15.60	15.60
	(b)	Postal service	22.55	22.55	22.55
	(c)	Postal diligence	34.30	34.30	34.30
2.	(c) Inhibi	_	34.30	34.30	34.30
2.	(a)	Inhibition only			
	(a)	(i) each person at a different	+		
		address	49.15	79.20	100.00
		(ii) each additional person at		,,,=0	100.00
		same address	25.50	25.50	25.50
	(b)	Inhibition and service			
		(i) each person at a different	İ		
		address	64.70	94.60	115.85
		(ii) each additional person at	a		
		the same address	41.10	41.10	41.10
	(c)	Inhibition, service and interdic	et		
		(i) each person at a different	İ.		
		address	157.05	157.05	157.05
		(ii) each additional person at			
2	<b>.</b>	same address	66.80	66.80	66.80
3.		licts (including non-harassment			
		s under the Protection from ssment Act 1997 and anti-social			
		iour orders under the Crime and			
		der Act 1998)			
	(a)	Interdict only			
	(-)	(i) each person at a different			
		address	115.85	115.85	115.85
		(ii) each additional person at	the		
		same address	25.50	25.50	25.50
	(b)	Interdict and service			
		(i) each person at a different			
		address	131.50	131.50	131.50
		(ii) each additional person at			
		same address	41.10	41.10	41.10
	(c)	Interdict, service and inhibitio			
		(i) each person at a different		157.05	157.05
		address	157.05	157.05	157.05
		(ii) each additional person at same address	66.80	66.80	66.80
		Same address	00.00	00.00	00.00

Item			Band 1	Band 2	Band 3
			£	£	£
4.	Attac	hments			
	(a) (b)	Serving notice of entry Arranging attachment and endeavouring but being unable to execute same for whatever	8.75	8.75	8.75
	(c)	reason Arranging and executing	65.60	65.60	65.60
	(0)	attachment where appraised value is—			
		(i) £541 or under	76.80	76.80	76.80
		<ul> <li>(ii) over £541 and up to £2,171</li> <li>(iii) over £2,171 and up to £21,869 – 10% of the appraised value</li> <li>(iv) over £21,869 and up to</li> </ul>	119.05	119.05	119.05
		£109,334 – 10% of the first £21,869, 5% thereafter (v) over £109,334 – 10% of the first £21,869, 5% thereafter up to £109,334 and 1%			
		thereafter			
	(d)	Reporting attachment	7.35	7.35	7.35
5.	Attac	hment of motor vehicle, heavy plant achinery	7.55	7.55	7.33
	(a)	Arranging and executing attachment where appraised value is—			
		(i) £541 or under	76.80	76.80	76.80
		<ul> <li>(ii) over £541 and up to £2,402</li> <li>(iii) over £2,402 and up to £109,334 -5% of the appraised value</li> </ul>	119.05	119.05	119.05
		(iv) over £109,334 – 5% of the first £109,334 and 1% thereafter			
6.	(b) Seque	Reporting attachment estrations for rent, poinding of the	7.35	7.35	7.35
	grour				
	(a)	Arranging for the sequestration or poinding of the ground and endeavouring but being unable to execute same for whatever			
	(b)	reason Arranging and effecting sequestration or poinding of the	62.65	62.65	62.65
		ground	115.85	115.85	115.85
7.	Aucti		113.03	113.03	115.05
· ·	(a)	(i) Arranging auction, preparing advertisement and			
		giving public notice	19.00	19.00	19.00

Item		Band 1	Band 2	Band 3
		£	£	£
	(ii) Serving copy of war auction and intimat place and date of and if necessary the removal of attached – as in item 1(a) above, as the case material services and the services are also above.	ing the auction date of effects or (b) ay be		
	(b) (i) Officer and witness atternation and being unexpected execute same for what	able to		
	reason (ii) Officer and witness	62.65	62.65	62.65
0	attending auction sale	e 115.85	115.85	115.85
8.	Ejections	(2.65	(2.65	(0.65
	(a) Arranging ejection	62.65	62.65	62.65
9.	(b) Arranging and executing e	-	97.35	97.35
	<ul><li>(a) Arranging possession</li><li>(b) Arranging and effecting</li></ul>	62.65	62.65	62.65
	possession	115.85	115.85	115.85
10.	Apprehensions	113.03	113.03	113.03
10.	(a) Arranging apprehension	62.65	62.65	62.65
	(b) Arranging and apprehendi		115.85	115.85
11.	Taking possession of children	C		
	(a) Arranging to take possessi	ion 62.65	62.65	62.65
	(b) Taking possession of each		115.85	115.85
12.	Arresting vessels, aircraft and care			
	(a) Arranging to arrest	62.65	62.65	62.65
	(b) arranging and effecting			
	arrestment	191.55	191.55	191.55
13.	Miscellaneous			
	(a) Making any report or appl under the Act of 1987 or the of 2002 with the exception	he Act	14.50	14.50
	reporting an attachment (b) Granting any receipt requi be issued under the Act of	red to	14.30	14.50
	or the Act of 2002 (c) Arranging locksmith or	7.35	7.35	7.35
	tradesman to be in attenda (d) Granting certificate of	nce 4.70	4.70	4.70
	displenishment or providir other certificate or report, registering any document making any application to	or a court		
	or the creditor	14.50	14.50	14.50
	(e) Executing warrant to open lockfast places	14.50	14.50	14.50
	(f) Time  (i) with witness – £23.30  unit  (ii) without witness – £1'  per unit			

Item	Band 1	Band 2	Band 3
	£	£	£

(g)

- Photocopies
  (i) first page of document £1.65
- $\begin{array}{ll} \hbox{(ii)} & subsequent\ pages-per\ page } \\ & -\pounds 0.85 \end{array}$

## EXPLANATORY NOTE

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

The Lords of Council and Session amend the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002, by increasing the fees payable to messengers-at-arms by 3.45% with effect from 1st January 2006.

### SCOTTISH STATUTORY INSTRUMENTS

# 2005 No. 582

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