

**2005 No. 583**

**SHERIFF COURT**

**Act of Sederunt (Fees of Sheriff Officers) 2005**

*Made* - - - - - *10th November 2005*

*Laid before the Scottish Parliament* *18th 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 40 of the Sheriff Courts (Scotland) Act 1907(a), section 6 of the Execution of Diligence (Scotland) Act 1926(b) 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) 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 Sheriff Officers) (No. 2) 2002(c).

(2) Sub-paragraph (1) shall apply to work carried out by a sheriff officer 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

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(a) 1907 c.51; section 40 was amended by the Sheriff Courts (Scotland) Act 1913 c.28, Schedule 1; the Secretaries of State Act 1926 c.18, section 1(3); the Administration of Justice (Scotland) Act 1933 c.41, Schedule; and the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 c.12, Schedule 1, paragraph 7 and Schedule 2.  
(b) 1926 c.16.  
(c) S.S.I. 2002/567, amended by S.S.I. 2003/538 and S.S.I. 2004/513.

## SCHEDULE

Paragraph 2(1)

### TABLE OF FEES

<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>
	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>
<i>1. Service or intimation of a document</i>						
<i>(a) Service</i>						
<i>(i) each person at a different address</i>	25.75	39.70	51.50	42.10	61.90	80.75
<i>(ii) each additional person at the same address or additional copy required to be served or intimated under the Act of 1987 and the Act of 2002</i>	8.65	8.65	8.65	14.05	14.05	14.05
<i>(b) Postal service</i>	12.15	12.15	12.15	20.55	20.55	20.55
<i>(c) Postal diligence</i>	18.80	18.80	18.80	30.95	30.95	30.95
<i>2. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997 and anti-social behaviour orders under the Crime and Disorder Act 1998)</i>						
<i>(a) Interdict only</i>						
<i>(i) each person at a different address</i>				115.85	115.85	115.85
<i>(ii) each additional person at the same address</i>				25.50	25.50	25.50
<i>(b) Interdict and service</i>						
<i>(i) each person at a different address</i>				130.10	130.10	130.10
<i>(ii) each additional person at the same address</i>				39.60	39.60	39.60
<i>3. Attachments</i>						
<i>(a) Serving notice of entry</i>	5.70	5.70	5.70	8.75	8.75	8.75
<i>(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason</i>	44.85	44.85	44.85	65.60	65.60	65.60

<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>
	£	£	£	£	£	£
(c) Arranging and executing attachment where appraised value is–						
(i) £541 or under	76.80	76.80	76.80	76.80	76.80	76.80
(ii) over £541 and up to £2,171	119.05	119.05	119.05	119.05	119.05	119.05
(iii) over £2,171 and up to £21,869 – 10% of the appraised value						
(iv) over £21,869 and up to £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	7.35	7.35	7.35
4. <i>Attachment of motor vehicles, heavy plant or machinery</i>						
(a) Arranging and executing attachment where appraised value is–						
(i) £541 or under	76.80	76.80	76.80	76.80	76.80	76.80
(ii) over £541 and up to £2,402	119.05	119.05	119.05	119.05	119.05	119.05
(iii) over £2,402 and up to £109,334 – 5% of the appraised value						
(iv) over £109,334 – 5% of the first £109,334 and 1% thereafter						
(b) Reporting attachment	7.35	7.35	7.35	7.35	7.35	7.35
5. <i>Sequestrations for rent, pouding of ground</i>						
(a) Arranging for the sequestration or pouding of the ground and endeavouring but being unable to execute same for whatever reason	41.75	41.75	41.75	62.65	62.65	62.65

<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>
	£	£	£	£	£	£
(b) Arranging and effecting sequestration where the appraised value is–						
(i) £541 or under	73.75	73.75	73.75			
(ii) over £541 and up to £2,171						
	115.85	115.85	115.85			
(iii) over £2,171 as 3(c)(iii) above						
(c) arranging and effecting ordinary sequestrations or pointing of the ground				115.85	115.85	115.85
(d) service – as in item 1(a) or (b) above, as the case may be						
6. <i>Auctions</i>						
(a) (i) Arranging auction, preparing advertisement and giving public notice	19.00	19.00	19.00	19.00	19.00	19.00
(ii) intimating the place and date of auction and if necessary the date of removal of attached effects – as in items 1(a) or (b) above, as the case may be						
(b) (i) Officer and witness attending auction but auction not executed for whatever reason	41.75	41.75	41.75	62.65	62.65	62.65
(ii) Officer and witness attending auction	115.85	115.85	115.85	115.85	115.85	115.85
7. <i>Ejections</i>						
(a) Arranging ejection	41.75	41.75	41.75	62.65	62.65	62.65
(b) Arranging and executing ejection	85.75	85.75	85.75	97.30	97.30	97.30
8. <i>Taking possession of effects</i>						
(a) Arranging possession	41.75	41.75	41.75	62.65	62.65	62.65
(b) Arranging and effecting possession	85.75	85.75	85.75	115.85	115.85	115.85
9. <i>Apprehensions</i>						
(a) Arranging apprehension				62.65	62.65	62.65
(b) Arranging and apprehending				115.85	115.85	115.85
10. <i>Taking possession of a child</i>						
(a) Arranging to take possession				62.65	62.65	62.65

<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>
	£	£	£	£	£	£
(b) Arranging and taking possession of each child				115.85	115.85	115.85
11. <i>Arresting vessels, aircraft and cargo</i>						
(a) Arranging to arrest	41.75	41.75	41.75	62.65	62.65	62.65
(b) Arranging and effecting arrestment	105.35	105.35	105.35	191.55	191.55	191.55
12. <i>Miscellaneous</i>						
(a) Making any report or application under the Act of 1987 or the Act of 2002 with the exception of reporting an attachment	14.50	14.50	14.50	14.50	14.50	14.50
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	7.35	7.35	7.35	7.35	7.35	7.35
(c) Arranging locksmith or tradesman to be in attendance	4.70	4.70	4.70	4.70	4.70	4.70
(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	14.50	14.50	14.50	14.50	14.50	14.50
(e) Executing warrant to open lockfast places	14.50	14.50	14.50	14.50	14.50	14.50
(f) Time						
(i) with witness – £23.30 per unit						
(ii) without witness – £17.40 per unit						
(g) Photocopies						
(i) first page document – £1.65						
(ii) subsequent pages – per page – £0.85						

## **EXPLANATORY NOTE**

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

This Act of Sederunt amends the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002 by increasing the fees payable to sheriff officers by 3.45% with effect from 1st January 2006.

**2005 No. 583**

**SHERIFF COURT**

Act of Sederunt (Fees of Sheriff Officers) 2005

**£3.00**

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