

2006 No. 539

SHERIFF COURT

Act of Sederunt (Fees of Sheriff Officers) 2006

Made - - - - - *7th November 2006*

Laid before the Scottish Parliament *9th November 2006*

Coming into force - - - *1st January 2007*

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) 2006 and shall come into force on 1st January 2007.

(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 2007 but shall not affect the fees payable as respects any work so carried out before that date.

A C HAMILTON
Lord President
I.P.D.

Edinburgh
7th November 2006

(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; S.S.I. 2004/513 and S.S.I. 2005/583.

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>	26.70	41.15	53.35	43.60	64.15	83.65
<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>	8.95	8.95	8.95	14.55	14.55	14.55
<i>(b) Postal service</i>	12.60	12.60	12.60	21.30	21.30	21.30
<i>(c) Postal diligence</i>	19.50	19.50	19.50	32.05	32.05	32.05
<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>						
<i>(ii) each additional person at the same address</i>				26.40	26.40	26.40
<i>(b) Interdict and service</i>				134.80	134.80	134.80
<i>(i) each person at a different address</i>						
<i>(ii) each additional person at the same address</i>				41.05	41.05	41.05
<i>3. Attachments</i>	5.90	5.90	5.90	9.05	9.05	9.05
<i>(a) Serving notice of entry</i>						
<i>(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason</i>						
	46.45	46.45	46.45	67.95	67.95	67.95
<i>(c) Arranging and executing attachment where appraised value is –</i>						
<i>(i) £560 or under</i>	79.55	79.55	79.55	79.55	79.55	79.55

<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>
	£	£	£	£	£	£
(ii) over £560 and up to £2,249	123.35	123.35	123.35	123.35	123.35	123.35
(iii) over £2,249 and up to £22,656 – 10% of the appraised value						
(iv) over £22,656 and up to £113,270 – 10% of the first £22,656, 5% thereafter						
(v) over £113,270 – 10% of the first £22,656, 5% thereafter up to £113,270 and 1% thereafter						
(d) Reporting attachment	7.60	7.60	7.60	7.60	7.60	7.60
4. <i>Attachment of motor vehicles, heavy plant or machinery</i>						
(a) Arranging and executing attachment where appraised value is –						
(i) £560 or under	79.55	79.55	79.55	79.55	79.55	79.55
(ii) over £560 and up to £2,488	123.35	123.35	123.35	123.35	123.35	123.35
(iii) over £2,488 and up to £113,270 – 5% of the appraised value						
(iv) over £113,270 – 5% of the first £113,270 and 1% thereafter						
(b) Reporting attachment	7.60	7.60	7.60	7.60	7.60	7.60
5. <i>Sequestrations for rent, poinding of ground</i>	43.25	43.25	43.25	64.90	64.90	64.90
(a) Arranging for the sequestration or poinding of the ground and endeavouring but being unable to execute same for whatever reason						
(b) Arranging and effecting sequestration where the appraised value is –						
(i) £560 or under	76.40	76.40	76.40			
(ii) over £560 and up to £2,249	120.00	120.00	120.00			

<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>
	£	£	£	£	£	£
(iii) over £2,249 as 3(c)(iii) above						
(c) Arranging and effecting ordinary sequestrations or pouding of the ground				120.00	120.00	120.00
(d) Service – as in item 1(a) or (b) above, as the case may be						
6. <i>Auctions</i>	19.70	19.70	19.70	19.70	19.70	19.70
(a) (i) Arranging auction, preparing advertisement and giving public notice						
(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	43.25	43.25	43.25	64.90	64.90	64.90
(ii) Officer and witness attending auction	120.00	120.00	120.00	120.00	120.00	120.00
7. <i>Ejections</i>	43.25	43.25	43.25	64.90	64.90	64.90
(a) Arranging ejection						
(b) Arranging and executing ejection	88.85	88.85	88.85	100.80	100.80	100.80
8. <i>Taking possession of effects</i>	43.25	43.25	43.25	64.90	64.90	64.90
(a) Arranging possession						
(b) Arranging and effecting possession	88.85	88.85	88.85	120.00	120.00	120.00
9. <i>Apprehensions</i>				64.90	64.90	64.90
(a) Arranging apprehension						
(b) Arranging and apprehending				120.00	120.00	120.00
10. <i>Taking possession of a child</i>				64.90	64.90	64.90
(a) Arranging to take possession						
(b) Arranging and taking possession of each child				120.00	120.00	120.00
11. <i>Arresting vessels, aircraft and cargo</i>	43.25	43.25	43.25	64.90	64.90	64.90
(a) Arranging to arrest						
(b) Arranging and effecting arrestment	109.15	109.15	109.15	198.45	198.45	198.45

<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>
12. <i>Miscellaneous</i>	15.00	15.00	15.00	15.00	15.00	15.00
(a) Making any report or application under the Act of 1987 or the Act of 2002 with the exception of reporting an attachment						
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	7.60	7.60	7.60	7.60	7.60	7.60
(c) Arranging locksmith or tradesman to be in attendance	4.85	4.85	4.85	4.85	4.85	4.85
(d) Granting certificate of displenishment or providing any other certificate or report, registering any document or making any application to a court or the creditor	15.00	15.00	15.00	15.00	15.00	15.00
(e) Executing warrant to open lockfast places	15.00	15.00	15.00	15.00	15.00	15.00
(f) Time						
(i) with witness – £24.15 per unit						
(ii) without witness – £18.05 per unit						
(g) Photocopies						
(i) first page document – £1.70						
(ii) subsequent pages – per page – £0.90						

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 3.6% with effect from 1st January 2007.

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£3.00

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