

2013 No. 345

SHERIFF COURT

Act of Sederunt (Fees of Sheriff Officers) 2013

Made - - - - *10th December 2013*

Laid before the Scottish Parliament *12th December 2013*

Coming into force - - *27th January 2014*

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(c), 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) 2013 and comes into force on 27th January 2014.

(2) A certified copy of this Act of Sederunt is to be inserted in the Books of Sederunt.

Amendment of fees

2. For the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002(d) substitute the Table of Fees in the Schedule to this Act of Sederunt.

Savings

3. Paragraph 2 does not affect the fees payable as respects any work carried out before 27th January 2014.

BRIAN GILL
Lord President
I.P.D.

Edinburgh
10th December 2013

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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. Section 40 was renumbered as section 40(1), the proviso was repealed and section 40(2) was inserted by S.S.I. 2011/396.
- (b) 1926 c.16.
- (c) The powers to make this Act of Sederunt are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). The Act of Sederunt is subject to the negative procedure by virtue of section 33(4) of that Act.
- (d) S.S.I. 2002/567, amended by S.S.I. 2003/538, 2004/513, 2005/583, 2006/539, 2007/550, 2008/430, 2009/379, 2011/47, 2011/432 and 2012/341.

SCHEDULE
TABLE OF FEES

Paragraph 2

<i>Item</i>	<i>Column A</i>	<i>Column B</i>
	£	£
1. Service or intimation of a document		
(a) Service		
(i) each person at a different address	50.05	78.10
(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	10.90	17.60
(b) Postal service	15.30	25.90
(c) Postal diligence	23.75	38.95
2. Inhibitions		
(a) Inhibitions only		
(i) each person at a different address	64.50	99.85
(ii) each additional person at the same address	20.80	32.15
(b) Inhibition and service		
(i) each person at a different address	75.30	116.35
(ii) each additional person at the same address	32.70	50.55
(c) Inhibition, service and interdict		
(i) each person at a different address		193.25
(ii) each additional person at the same address		82.25
3. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997 and antisocial behaviour orders under the Antisocial Behaviour etc. (Scotland) Act 2004)		
(a) Interdict only		
(i) each person at a different address		145.90
(ii) each additional person at the same address		32.15

<i>Item</i>	<i>Column A</i> £	<i>Column B</i> £
(b) Interdict and service		
(i) each person at a different address		164.00
(ii) each additional person at the same address		49.95
4. Attachments		
(a) Service notice of entry	7.15	11.05
(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	56.50	82.70
(c) Arranging and executing attachment where appraised value is—		
(i) £681 or under	96.80	96.80
(ii) over £681 and up to £2,737	150.05	150.05
(iii) over £2,737 and up to £27,564 – 10% of the appraised value		
(iv) over £27,564 and up to £137,809 – 10% of the first £27,564, 5% thereafter		
(v) over £137,809 – 10% of the first £27,564 5% thereafter up to £137,809 and 1% thereafter		
(d) Reporting attachment	9.20	9.20
5. Attachment of motor vehicles, heavy plant or machinery		
(a) Arranging and executing attachment where appraised value is—		
(i) £681 or under	96.80	96.80
(ii) over £681 and up to £3,028	150.05	150.05
(iii) over £3,028 and up to £137,809 – 5% of the appraised value		
(iv) over £137,809 – 5% of the first £137,809 and 1% thereafter		
(b) Reporting attachment	9.20	9.20
6. Money attachments under the Act of 2007		
(a) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	56.50	82.70

<i>Item</i>	<i>Column A</i> £	<i>Column B</i> £
(b) Arranging and executing attachment, including removal of attached money, where value of money is—		
(i) £681 or under	96.80	96.80
(ii) over £681 and up to £2,737	150.05	150.05
(iii) over £2,737 and up to £27,564 – 10% of the value		
(iv) over £27,564 and up to £137,809 – 10% of the first £27,564 5% thereafter		
(v) over £137,809 – 10% of the first £27,564, 5% thereafter up to £137,809 and 1% thereafter		
(c) Reporting attachment	9.20	9.20
7. Auctions		
(a) Arranging auction, preparing advertisement and giving public notice	23.95	23.95
(b) 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		
(c) Officer and witness attending auction but auction not executed for whatever reason	52.65	79.00
(d) Officer and witness attending auction	145.90	145.90
8. Ejections		
(a) Arranging ejection	52.65	79.00
(b) Arranging and executing ejection	108.15	122.65
9. Taking possession of effects		
(a) Arranging possession	52.65	79.00
(b) Arranging and effecting possession	108.15	145.90
10. Apprehensions		
(a) Arranging apprehension		79.00
(b) Arranging and apprehending		145.90

11. Taking possession of a child

(a) Arranging to take possession		79.00
(b) Arranging and taking possession of each child		145.90

12. Arresting vessels, aircraft and cargo

(a) Arranging to arrest	52.65	79.00
(b) Arranging and effecting arrestment	132.80	241.45

13. Miscellaneous

(a) Making any report or application under the Act of 1987, the Act of 2002 or the Act of 2007 with the exception of reporting an attachment or a money attachment	18.35	18.35
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	9.20	9.20
(c) Arranging locksmith or tradesman to be in attendance	5.85	5.85
(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	18.35	18.35
(e) Executing warrant to open lockfast places	18.35	18.35
(f) Time		
(i) with witness – £29.40 per unit		
(ii) without witness – £21.90 per unit		
(g) Photocopies		
(i) first page document – £2.05		
(ii) subsequent pages – per page £1.15		

EXPLANATORY NOTE

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

This Act of Sederunt substitutes a new Table of Fees for the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002, by substituting a new Table of Fees.

The fee levels in the new Table of Fees represent an increase of 2.15% on the existing fees. This increase takes effect from 27th January 2014.

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