

**2018 No. 126**

**COURT OF SESSION**

**SHERIFF APPEAL COURT**

**SHERIFF COURT**

**Act of Sederunt (Fees of Messengers-at-Arms, Sheriff Officers  
and Shorthand Writers) (Amendment) 2018**

*Made* - - - - - *18th April 2018*

*Laid before the Scottish Parliament* *20th April 2018*

*Coming into force* - - - *4th June 2018*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(a), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by sections 105(1) and 106(1) of the Courts Reform (Scotland) Act 2014(b) and all other powers enabling it to do so.

**Citation and commencement, etc.**

**1.**—(1) This Act of Sederunt may be cited as the Act of Sederunt (Fees of Messengers-at-Arms, Sheriff Officers and Shorthand Writers) (Amendment) 2018.

(2) It comes into force on 4th June 2018.

(3) A certified copy is to be inserted in the Books of Sederunt.

**Amendment of Act of Sederunt (Fees of Witnesses and Shorthand Writers in the Sheriff Court) 1992**

**2.**—(1) The Act of Sederunt (Fees of Witnesses and Shorthand Writers in the Sheriff Court) 1992(c) is amended in accordance with this paragraph.

(2) In schedule 2 (shorthand writers' fees)(d)—

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(a) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).

(b) 2014 asp 18.

(c) S.I. 1992/1878, last amended by S.S.I. 2016/316.

(d) Schedule 2 was substituted by S.I. 1997/1118 and last amended by S.S.I. 2016/316.

- (a) in paragraph 1 (attendance), for “£43.20” and “£172.60” substitute “£44.30” and “£177.10” respectively;
- (b) in paragraph 4 (transcripts), for “£7.05” and “£8.65” substitute “£7.25” and “£8.85” respectively; and
- (c) in paragraph 5 (copies), for “£0.59” substitute “£0.61”.

#### **Amendment of the Rules of the Court of Session 1994**

**3.**—(1) The Rules of the Court of Session 1994(a) are amended in accordance with this paragraph.

(2) In Chapter IV (transcripts of evidence etc.) of the Table of Fees in rule 42.16(3)(b)—

- (a) in paragraph 1 (attendance of shorthand writer), for “£43.20” and “£172.60” substitute “£44.30” and “£177.10” respectively; and
- (b) in paragraph 2 (notes of evidence: extension by shorthand writer or transcriber), for “£7.05”, “£8.65” and “£0.59” substitute “£7.25”, “£8.85” and “£0.61” respectively.

#### **Amendment of Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002**

**4.** For the Table of Fees in schedule 1 of Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002(c) substitute the Table of Fees in schedule 1 of this Act of Sederunt.

#### **Amendment of Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002**

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

#### **Saving**

**6.** Paragraphs 2, 3, 4 and 5 have no effect as regards fees payable in respect of work carried out before 4th June 2018.

*CJM SUTHERLAND*  
Lord President  
I.P.D.

Edinburgh  
18th April 2018

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(a) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443), last amended by S.S.I. 2017/414.  
(b) Chapter IV was last amended by S.S.I. 2016/316.  
(c) S.S.I. 2002/566. The table of fees was substituted by S.S.I. 2016/101.  
(d) S.S.I. 2002/567, last amended by S.S.I. 2017/153. The table of fees was substituted by S.S.I. 2016/100.

SCHEDULE 1

Paragraph 4

“TABLE OF FEES PAYABLE TO MESSENGERS-AT-ARMS

<i>Item</i>	<i>£</i>
<b>1. Service or intimation of a document</b>	
(a) Service	
(i) each person at a different address	103.78
(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	20.47
(b) Postal service	29.50
(c) Postal diligence	44.94
<b>2. Inhibitions</b>	
(a) Inhibitions only	
(i) each person at a different address	103.78
(ii) each additional person at the same address	33.40
(b) Inhibition and service	
(i) each person at a different address	123.89
(ii) each additional person at the same address	53.81
(c) Inhibition, service and interdict	
(i) each person at a different address	205.76
(ii) each additional person at the same address	87.47
<b>3. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997)</b>	
(a) Interdict only	
(i) each person at a different address	151.64
(ii) each additional person at the same address	33.40
(b) Interdict and service	
(i) each person at a different address	172.32

<i>Item</i>	<i>£</i>
(ii) each additional person at the same address	53.81
(c) Interdict, service and inhibition	
(i) each person at a different address	205.76
(ii) each additional person at the same address	87.47
<b>4. Attachments</b>	
(a) Service notice of entry	11.49
(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	85.98
(c) Arranging and executing attachment where appraised value is—	
(i) £708 or under	100.60
(ii) over £708 and up to £2,845	155.95
(iii) over £2,845 and up to £28,648 – 10% of the appraised value	
(iv) over £28,648 and up to £143,231 – 10% of the first £28,648, 5% thereafter	
(v) over £143,231 – 10% of the first £28,648, 5% thereafter up to £143,231 and 1% thereafter	
(d) Reporting attachment	9.54
<b>5. Attachment of motor vehicles, heavy plant or machinery</b>	
(a) Arranging and executing attachment where appraised value is—	
(i) £708 or under	100.60
(ii) over £708 and up to £3,147	155.95
(iii) over £3,147 and up to £143,231 – 5% of the appraised value	
(iv) over £143,231 – 5% of the first £143,231 and 1% thereafter	
(b) Reporting attachment	9.54
<b>6. Money attachments under the Act of 2007</b>	
(a) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	85.98
(b) Arranging and executing attachment, including removal of attached money, where value of money is—	

<i>Item</i>	<i>£</i>
(i) £708 or under	100.60
(ii) over £708 and up to £2,845	155.95
(iii) over £2,845 and up to £28,648 – 10% of the value	
(iv) over £28,648 and up to £143,231 – 10% of the first £28,648, 5% thereafter	
(v) over £143,231 – 10% of the first £28,648, 5% thereafter up to £143,231 and 1% thereafter	
(c) Reporting attachment	9.54
<b>7. Auctions</b>	
(a) Arranging auction, preparing advertisement and giving public notice	24.88
(b) Serving copy of warrant of auction and intimating the place and date of auction and if necessary the date of removal of attached effects – as in item 1(a) or (b) above, as the case may be	
(c) Officer and witness attending auction but auction not executed for whatever reason	82.13
(d) Officer and witness attending auction sale	151.64
<b>8. Ejections</b>	
(a) Arranging ejection	82.13
(b) Arranging and executing ejection	127.48
<b>9. Taking possession of effects</b>	
(a) Arranging possession	82.13
(b) Arranging and effecting possession	151.64
<b>10. Apprehensions</b>	
(a) Arranging apprehension	82.13
(b) Arranging and apprehending	151.64
<b>11. Uplifting children</b>	
(a) Arranging uplift	82.13
(b) Uplifting each child	151.64
<b>12. Arresting vessels, aircraft and cargo</b>	

<i>Item</i>	<i>£</i>
(a) Arranging to arrest	82.13
(b) Arranging and effecting arrestment	250.96
<b>13. Miscellaneous</b>	
(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	19.08
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	9.54
(c) Arranging locksmith or tradesman to be in attendance	6.10
(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	19.08
(e) Executing warrant to open lockfast places	19.08
(f) Time	
(i) with witness – £30.57 per unit	
(ii) without witness – £22.78 per unit	
(g) Photocopies	
(i) first page document – £2.15	
(ii) subsequent pages – per page £1.18	
(h) Service of a document in Scotland under Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13th November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No. 1348/2000—	
(i) where service is effected by a method mentioned in rule 16.1(1)(a)(i), (ii), (iii) or (b)(i) of the Rules of the Court of Session 1994 (methods and manner of service on a person)	142.51
(ii) where service is effected by a method mentioned in rule 16.1(1)(a)(iv) or (b)(ii) of the Rules of the Court of Session 1994 (postal service)	45.40”

SCHEDULE 2

Paragraph 5

“TABLE OF FEES PAYABLE TO SHERIFF OFFICERS

<i>Item</i>	<i>Column A</i>	<i>Column B</i>
	£	£
<b>1. Service or intimation of a document</b>		
(a) Service		
(i) each person at a different address	52.02	81.16
(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	11.34	18.31
(b) Postal service	15.90	26.93
(c) Postal diligence	24.68	40.48
<b>2. Inhibitions</b>		
(a) Inhibitions only		
(i) each person at a different address	67.05	103.78
(ii) each additional person at the same address	21.60	33.40
(b) Inhibition and service		
(i) each person at a different address	78.28	120.91
(ii) each additional person at the same address	34.01	52.53
(c) Inhibition, service and interdict		
(i) each person at a different address		200.84
(ii) each additional person at the same address		85.47
<b>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)</b>		
(a) Interdict only		
(i) each person at a different address		151.64
(ii) each additional person at the same address		33.40

<i>Item</i>	<i>Column A</i> £	<i>Column B</i> £
(b) Interdict and service		
(i) each person at a different address		170.47
(ii) each additional person at the same address		51.92
<b>4. Attachments</b>		
(a) Service notice of entry	7.44	11.49
(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	58.74	85.98
(c) Arranging and executing attachment where appraised value is—		
(i) £708 or under	100.60	100.60
(ii) over £708 and up to £2,845	155.95	155.95
(iii) over £2,845 and up to £28,648 – 10% of the appraised value		
(iv) over £28,648 and up to £143,231 – 10% of the first £28,648, 5% thereafter		
(v) over £143,231 – 10% of the first £28,648 5% thereafter up to £143,231 and 1% thereafter		
(d) Reporting attachment	9.54	9.54
<b>5. Attachment of motor vehicles, heavy plant or machinery</b>		
(a) Arranging and executing attachment where appraised value is—		
(i) £708 or under	100.60	100.60
(ii) over £708 and up to £3,147	155.95	155.95
(iii) over £3,147 and up to £143,231 – 5% of the appraised value		
(iv) over £143,231 – 5% of the first £143,231 and 1% thereafter		
(b) Reporting attachment	9.54	9.54
<b>6. Money attachments under the Act of 2007</b>		
(a) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	58.74	85.98
(b) Arranging and executing attachment, including removal of attached money, where value of		



<i>Item</i>	<i>Column A</i> £	<i>Column B</i> £
money is—		
(i) £708 or under	100.60	100.60
(ii) over £708 and up to £2,845	155.95	155.95
(iii) over £2,845 and up to £28,648 – 10% of the value		
(iv) over £28,648 and up to £143,231 – 10% of the first £28,648, 5% thereafter		
(v) over £143,231 – 10% of the first £28,648, 5% thereafter up to £143,231 and 1% thereafter		
(c) Reporting attachment	9.54	9.54
<b>7. Auctions</b>		
(a) Arranging auction, preparing advertisement and giving public notice	24.88	24.88
(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	54.74	82.13
(d) Officer and witness attending auction	151.64	151.64
<b>8. Ejections</b>		
(a) Arranging ejection	54.74	82.13
(b) Arranging and executing ejection	112.40	127.48
<b>9. Taking possession of effects</b>		
(a) Arranging possession	54.74	82.13
(b) Arranging and effecting possession	112.40	151.64
<b>10. Apprehensions</b>		
(a) Arranging apprehension		82.13
(b) Arranging and apprehending		151.64
<b>11. Uplifting children</b>		
(a) Arranging uplift		82.13

<i>Item</i>	<i>Column A</i> £	<i>Column B</i> £
(b) Uplifting of each child		151.64
<b>12. Arresting vessels, aircraft and cargo</b>		
(a) Arranging to arrest	54.74	82.13
(b) Arranging and effecting arrestment	138.05	250.96
<b>13. Miscellaneous</b>		
(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	19.08	19.08
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	9.54	9.54
(c) Arranging locksmith or tradesman to be in attendance	6.10	6.10
(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	19.08	19.08
(e) Executing warrant to open lockfast places	19.08	19.08
(f) Time		
(i) with witness – £30.57 per unit		
(ii) without witness – £22.78 per unit		
(g) Photocopies		
(i) first page document – £2.15		
(ii) subsequent pages – per page £1.18”		

## **EXPLANATORY NOTE**

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

This Act of Sederunt makes changes to the rules regulating the fees of shorthand writers, Messengers-at-Arms and sheriff officers.

Paragraphs 2 and 3 amend the fees chargeable by shorthand writers in relation to proceedings in the Court of Session and civil proceedings in the sheriff court, as provided for in the Rules of the Court of Session 1994, and in Act of Sederunt (Fees of Witnesses and Shorthand Writers in the Sheriff Court) 1992.

Paragraphs 4 and 5 substitute new tables of fees for Messengers-at-Arms and sheriff officers in Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002 and Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002.

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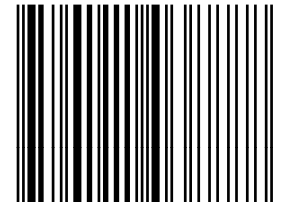
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