

2011 No. 47

SHERIFF COURT

Act of Sederunt (Fees of Sheriff Officers) 2011

Made - - - - *27th January 2011*

Laid before the Scottish Parliament *28th January 2011*

Coming into force - - *1st March 2011*

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) 2011 and shall come into force on 1st March 2011.

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

Amendment of fees

2.—(1) Subject to subparagraph (2) below, for the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002(c) substitute the Table of Fees in the Schedule to this Act of Sederunt.

(2) Subparagraph (1) shall apply to work carried out by a sheriff officer on or after 1st March 2011 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
27th January 2011

(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, 2004/513, 2005/583, 2006/539, 2007/550, 2008/430 and 2009/379.

SCHEDULE
TABLE OF FEES

Paragraph 2(1)

<i>Item</i>	<i>Column A</i>			<i>Column B</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>	
	£	£	£	£	£	£	
1.	<i>Service or intimation of a document</i>						
(a)	Service						
(i)	each person at a different address	29.90	46.10	59.75	48.80	71.85	93.65
(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	10.00	10.00	10.00	16.25	16.25	16.25
(b)	Postal service	14.10	14.10	14.10	23.85	23.85	23.85
(c)	Postal diligence	21.85	21.85	21.85	35.90	35.90	35.90
2.	<i>Inhibitions</i>						
(a)	Inhibition only						
(i)	each person at a different address	37.90	59.40	75.00	57.05	91.90	116.05
(ii)	each additional person at the same address	19.10	19.10	19.10	29.60	29.60	29.60
(b)	Inhibition and service						
(i)	each person at a different address	47.40	69.30	84.85	73.30	107.15	131.20
(ii)	each additional person at the same address	30.10	30.10	30.10	46.55	46.55	46.55
(c)	Inhibition, service and interdict						
(i)	each person at a different address				177.95	177.95	177.95
(ii)	each additional person at the same address				75.70	75.70	75.70
3.	<i>Interdicts (including non-harassment orders under the Protection from Harassment Act 1997 and antisocial behaviour orders under the Antisocial Behaviour etc. (Scotland) Act 2004)</i>						
(a)	Interdict only						
(i)	each person at a different address				134.35	134.35	134.35
(ii)	each additional person at the same address				29.60	29.60	29.60
(b)	Interdict and service						
(i)	each person at a different address				150.95	150.95	150.95
(ii)	each additional person at the same address				46.00	46.00	46.00
4.	<i>Attachments</i>						
(a)	Service notice of entry	6.60	6.60	6.60	10.15	10.15	10.15
(b)	Arranging attachment and	52.00	52.00	52.00	76.10	76.10	76.10

Item	Column A			Column B		
	Band 1 £	Band 2 £	Band 3 £	Band 1 £	Band 2 £	Band 3 £
(iv) over £25,375 and up to £126,861 – 10% of the first £25,375, 5% thereafter						
(v) Over £126,861 – 10% of the first £25,375, 5% thereafter up to £126,861 and 1% thereafter						
(c) Reporting attachment	8.50	8.50	8.50	8.50	8.50	8.50
7. <i>Auctions</i>						
(a) Arranging auction, preparing advertisement and giving public notice	22.05	22.05	22.05	22.05	22.05	22.05
(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	48.45	48.45	48.45	72.75	72.75	72.75
(d) Officer and witness attending auction	134.35	134.35	134.35	134.35	134.35	134.35
8. <i>Ejections</i>						
(a) Arranging ejection	48.45	48.45	48.45	72.75	72.75	72.75
(b) Arranging and executing ejection	99.50	99.50	99.50	112.90	112.90	112.90
9. <i>Taking possession of effects</i>						
(a) Arranging possession	48.45	48.45	48.45	72.75	72.75	72.75
(b) Arranging and effecting possession	99.50	99.50	99.50	134.35	134.35	134.35
10. <i>Apprehensions</i>						
(a) Arranging apprehension				72.75	72.75	72.75
(b) Arranging and apprehending				134.35	134.35	134.35
11. <i>Taking possession of a child</i>						
(a) Arranging to take possession				72.75	72.75	72.75
(b) Arranging and taking possession of each child				134.35	134.35	134.35
12. <i>Arresting vessels, aircraft and cargo</i>						
(a) Arranging to arrest	48.45	48.45	48.45	72.75	72.75	72.75
(b) Arranging and effecting arrestment	122.25	122.25	122.25	222.25	222.25	222.25
13. <i>Miscellaneous</i>						
(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	16.85	16.85	16.85	16.85	16.85	16.85

<i>Item</i>	<i>Column A</i>			<i>Column B</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>
	£	£	£	£	£	£
	attachment or a money attachment					
(b)	Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	8.50	8.50	8.50	8.50	8.50
(c)	Arranging locksmith or tradesman to be in attendance	5.40	5.40	5.40	5.40	5.40
(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	16.85	16.85	16.85	16.85	16.85
(e)	Executing warrant to open lockfast places	16.85	16.85	16.85	16.85	16.85
(f)	Time					
	(i) with witness - £27.05 per unit					
	(ii) without witness - £20.20 per unit					
(g)	Photocopies					
	(i) first page document - £1.90					
	(ii) subsequent pages – per page £1.05					

EXPLANATORY NOTE

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

This Act of Sederunt amends 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 3.6% on the existing fees. This increased takes effect from 1st March 2011.

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