

**2011 No. 48**

**COURT OF SESSION**

**Act of Sederunt (Fees of Messengers-at-Arms) 2011**

*Made* - - - - - *27th 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 6 of the Execution of Diligence (Scotland) Act 1926(a), section 5 of the Court of Session Act 1988(b) and of all other powers enabling them in that behalf, with the concurrence of the Lord Lyon King of Arms, do hereby enact and declare:

**Citation and commencement**

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Fees of Messengers-at-Arms) 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 Messengers-at-Arms) (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 messenger-at-arms 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

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(a) 1926 c.16.  
(b) 1988 c.36. Section 5 was last amended by the Judiciary and Courts (Scotland) Act 2008 (asp 6), section 46(3)  
(c) S.S.I. 2002/566, amended by S.S.I. 2003/536, 2004/515, 2005/582, 2006/540, 2007/532, 2008/430 and 2009/383.

**SCHEDULE**  
**TABLE OF FEES**

Paragraph 2(1)

<i>Item</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	54.20	91.90
			116.05
(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	18.15	18.15
		18.15	18.15
(b)	Postal service	26.15	26.15
(c)	Postal diligence	39.85	39.85
2.	<i>Inhibitions</i>		
(a)	Inhibition only		
(i)	each person at a different address	57.05	91.90
			116.05
(ii)	each additional person at the same address	29.60	29.60
		29.60	29.60
(b)	Inhibition and service		
(i)	each person at a different address	75.05	109.75
			134.35
(ii)	each additional person at the same address	47.70	47.70
		47.70	47.70
(c)	Inhibition, service and interdict		
(i)	each person at a different address	182.25	182.25
			182.25
(ii)	each additional person at the same address	77.50	77.50
		77.50	77.50
3.	<i>Interdicts (including non-harassment orders under the Protection from Harassment Act 1997)</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	29.60
(b)	Interdict and service		
(i)	each person at a different address	152.60	152.60
			152.60
(ii)	each additional person at the same address	47.70	47.70
		47.70	47.70
(c)	Interdict, service and inhibition		
(i)	each person at a different address	182.25	182.25
			182.25
(ii)	each additional person at the same address	77.50	77.50
		77.50	77.50
4.	<i>Attachments</i>		
(a)	Serving notice of entry	10.15	10.15
		10.15	10.15

<i>Item</i>	<i>Band 1</i> £	<i>Band 2</i> £	<i>Band 3</i> £
(b) Arranging attachment and endeavouring but being unable to execute same for whatever reason	76.10	76.10	76.10
(c) Arranging and executing attachment where appraised value is—			
(i) £627 or under	89.10	89.10	89.10
(ii) over £627 and up to £2,519	138.15	138.15	138.15
(iii) over £2,519 and up to £25,375 – 10% of the appraised value			
(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			
(d) Reporting attachment	8.50	8.50	8.50
5. <i>Attachment of motor vehicle, heavy plant or machinery</i>			
(a) Arranging and executing attachment where appraised value is—			
(i) £627 or under	89.10	89.10	89.10
(ii) over £627 and up to £2,787	138.15	138.15	138.15
(iii) over £2,787 and up to £126,861 – 5% of the appraised value			
(iv) over £126,861 – 5% of the first £126,861 and 1% thereafter			
(b) Reporting attachment	8.50	8.50	8.50
6. <i>Money attachments under the Act of 2007</i>			
(a) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	76.10	76.10	76.10
(b) Arranging and executing attachment, including removal of attached money, where value of money is—			
(i) £627 or under	89.10	89.10	89.10
(ii) over £627 and up to £2,519	138.15	138.15	138.15
(iii) over £2,519 and up to £25,375 – 10% of the appraised value			
(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%			

<i>Item</i>		<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
		£	£	£
	thereafter			
7.	(c) Reporting attachment	8.50	8.50	8.50
	<i>Auctions</i>			
	(a) Arranging auction, preparing advertisement and giving public notice	22.05	22.05	22.05
	(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 and being unable to execute same for whatever reason	72.75	72.75	72.75
	(d) Officer and witness attending auction sale	134.35	134.35	134.35
8.	<i>Ejections</i>			
	(a) Arranging ejection	72.75	72.75	72.75
	(b) Arranging and executing ejection	113.00	113.00	113.00
9.	<i>Taking possession of effects</i>			
	(a) Arranging possession	72.75	72.75	72.75
	(b) Arranging and effecting possession	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 children</i>			
	(a) Arranging to take possession	72.75	72.75	72.75
	(b) Taking possession of each child	134.35	134.35	34.35
12.	<i>Arresting vessels, aircraft and cargo</i>			
	(a) Arranging to arrest	72.75	72.75	72.75
	(b) Arranging and effecting arrestment	222.25	222.25	222.25
13.	<i>Miscellaneous</i>			
	(a) Making any report or application under the Act of 1987 or the Act of 2002 or the Act of 2007 with the exception of reporting an attachment or a money attachment	16.85	16.85	16.85
	(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	8.50	8.50	8.50
	(c) Arranging locksmith or tradesman to be in attendance	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
	(e) Executing warrant to open lockfast places	16.85	16.85	16.85
	(f) Time			

<i>Item</i>	<i>Band 1</i>	<i>Band 2</i>	<i>Band 3</i>
	£	£	£
(i) with witness – £27.05 per unit			
(ii) without witness – £20.20 per unit			
(g) Photocopies			
(i) first page of 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 the Table of Fees in Schedule 1 to the Act of Sederunt (Fees of Messengers-at-Arms) (No.2) 2002, by increasing the fees payable to messengers-at-arms by 3.6% with effect from 1st March 2011.

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