

2016 No. 101

COURT OF SESSION

Act of Sederunt (Fees of Messengers-at-Arms) 2016

Made - - - - - *12th February 2016*

Laid before the Scottish Parliament *16th February 2016*

Coming into force - - - *1st April 2016*

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 [with such modifications as it thinks appropriate].

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

The Lord Lyon King of Arms has concurred in the making of this Act of Sederunt.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Fees of Messengers-at-Arms) 2016.

(2) It comes into force on 1st April 2016.

(3) A certified copy 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 Messengers-at-Arms) (No. 2) 2002(c) substitute the Table of Fees in the Schedule.

(a) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3).

(b) 2014 asp 18.

(c) S.S.I. 2002/566, last amended by S.S.I. 2013/346.

Savings

3. Paragraph 2 does not affect the fees payable as respects any work carried out before 1st April 2016.

Edinburgh
12th February 2016

CJM SUTHERLAND
Lord President
I.P.D.

SCHEDULE
TABLE OF FEES

Paragraph 2

<i>Item</i>	£
1. Service or intimation of a document	
(a) Service	
(i) each person at a different address	101.15
(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	19.95
(b) Postal service	28.75
(c) Postal diligence	43.80
2. Inhibitions	
(a) Inhibitions only	
(i) each person at a different address	101.15
(ii) each additional person at the same address	32.55
(b) Inhibition and service	
(i) each person at a different address	120.75
(ii) each additional person at the same address	52.45
(c) Inhibition, service and interdict	
(i) each person at a different address	200.55
(ii) each additional person at the same address	85.25
3. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997)	
(a) Interdict only	
(i) each person at a different address	147.80
(ii) each additional person at the same address	32.55
(b) Interdict and service	

<i>Item</i>	<i>£</i>
(i) each person at a different address	167.95
(ii) each additional person at the same address	52.45
(c) Interdict, service and inhibition	
(i) each person at a different address	200.55
(ii) each additional person at the same address	85.25
4. Attachments	
(a) Service notice of entry	11.20
(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	83.80
(c) Arranging and executing attachment where appraised value is—	
(i) £690 or under	98.05
(ii) over £690 and up to £2,773	152.00
(iii) over £2,773 and up to £27,922 – 10% of the appraised value	
(iv) over £27,922 and up to £139,601 – 10% of the first £27,922, 5% thereafter	
(v) over £139,601 – 10% of the first £27,922, 5% thereafter up to £139,601 and 1% thereafter	
(d) Reporting attachment	9.30
5. Attachment of motor vehicles, heavy plant or machinery	
(a) Arranging and executing attachment where appraised value is—	
(i) £690 or under	98.05
(ii) over £690 and up to £3,067	152.00
(iii) over £3,067 and up to £139,601 – 5% of the appraised value	
(iv) over £139,601 – 5% of the first £139,601 and 1% thereafter	
(b) Reporting attachment	9.30
6. Money attachments under the Act of 2007	
(a) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	83.80
(b) Arranging and executing attachment, including removal of attached	

<i>Item</i>	<i>£</i>
money, where value of money is—	
(i) £690 or under	98.05
(ii) over £690 and up to £2,773	152.00
(iii) over £2,773 and up to £27,922 – 10% of the value	
(iv) over £27,922 and up to £139,601 – 10% of the first £27,922, 5% thereafter	
(v) over £139,601 – 10% of the first £27,922, 5% thereafter up to £139,601 and 1% thereafter	
(c) Reporting attachment	9.30
7. Auctions	
(a) Arranging auction, preparing advertisement and giving public notice	24.25
(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	80.05
(d) Officer and witness attending auction sale	147.80
8. Ejections	
(a) Arranging ejection	80.05
(b) Arranging and executing ejection	124.25
9. Taking possession of effects	
(a) Arranging possession	80.05
(b) Arranging and effecting possession	147.80
10. Apprehensions	
(a) Arranging apprehension	80.05
(b) Arranging and apprehending	147.80
11. Uplifting children	
(a) Arranging uplift	80.05
(b) Uplifting each child	147.80

<i>Item</i>	<i>£</i>
12. Arresting vessels, aircraft and cargo	
(a) Arranging to arrest	80.05
(b) Arranging and effecting arrestment	244.60
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	18.60
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	9.30
(c) Arranging locksmith or tradesman to be in attendance	5.95
(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	18.60
(e) Executing warrant to open lockfast places	18.60
(f) Time	
(i) with witness – £29.80 per unit	
(ii) without witness – £22.20 per unit	
(g) Photocopies	
(i) first page of document – £2.10	
(ii) subsequent pages – per page £1.15	
(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)	138.90
(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)	44.25

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 Messengers-at-Arms) (No. 2) 2002.

The fee levels in the new Table of Fees represent an increase of 1.3% on the existing fees. This increase takes effect from 1st April 2016.

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