

**2008 No. 430**

**SHERIFF COURT**

**Act of Sederunt (Fees of Sheriff Officers) 2008**

*Made* - - - - - *17th December 2008*  
*Laid before the Scottish Parliament* *22nd December 2008*  
*Coming into force* - - - *26th January 2009*

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) 2008 and shall come into force on 26th January 2009.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

**Amendment of fees**

2.—(1) Subject to paragraph (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 in the Schedule to this Act of Sederunt.

(2) Subparagraph (1) shall apply to work carried out by a sheriff officer on or after 26th January 2009 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  
17th December 2008

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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.  
(b) 1926 c.16. Section 6 will be amended by paragraph 7(4) of schedule 5 to the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) when that provision comes into force.  
(c) S.S.I. 2002/567, amended by S.S.I. 2003/538, 2004/513, 2005/583, 2006/539 and 2007/550.

# SCHEDULE

Paragraph 2(1)

## TABLE OF FEES

<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>
	£	£	£	£	£	£
<i>1. Service or intimation of a document</i>						
<i>(a) Service</i>						
<i>(i) each person at a different address</i>	28.85	44.50	57.65	47.10	69.35	90.40
<i>(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</i>	9.65	9.65	9.65	15.70	15.70	15.70
<i>(b) Postal service</i>	13.60	13.60	13.60	23.00	23.00	23.00
<i>(c) Postal diligence</i>	21.10	21.10	21.10	34.65	34.65	34.65
<i>2. 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>						
<i>(a) Interdict only</i>						
<i>(i) each person at a different address</i>				129.70	129.70	129.70
<i>(ii) each additional person at the same address</i>				28.55	28.55	28.55
<i>(b) Interdict and service</i>						
<i>(i) each person at a different address</i>				145.70	145.70	145.70
<i>(ii) each additional person at the same address</i>				44.40	44.40	44.40
<i>3. Attachments</i>						
<i>(a) Serving notice of entry</i>	6.35	6.35	6.35	9.80	9.80	9.80
<i>(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason</i>	50.20	50.20	50.20	73.45	73.45	73.45
<i>(c) Arranging and</i>						

<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>
	£	£	£	£	£	£
executing attachment where appraised value is –						
(i) £605 or under	86.00	86.00	86.00	86.00	86.00	86.00
(ii) over £605 and up to £2,431	133.35	133.35	133.35	133.35	133.35	133.35
(iii) over £2,431 and up to £24,493 – 10% of the appraised value						
(iv) over £24,493 and up to £122,453 – 10% of the first £24,493, 5% thereafter						
(v) over £122,453 – 10% of the first £24,493, 5% thereafter up to £122,453 and 1% thereafter						
(d) Reporting attachment	8.20	8.20	8.20	8.20	8.20	8.20
<i>4. Attachment of motor vehicles, heavy plant or machinery</i>						
(a) Arranging and executing attachment where appraised value is –						
(i) £605 or under	86.00	86.00	86.00	86.00	86.00	86.00
(ii) over £605 and up to £2,690	133.35	133.35	133.35	133.35	133.35	133.35
(iii) over £2,690 and up to £122,453 – 5% of the appraised value						
(iv) over £122,453 – 5% of the first £122,453 and 1% thereafter						
(b) Reporting attachment	8.20	8.20	8.20	8.20	8.20	8.20
<i>5. Sequestrations for rent, poinding of ground</i>						
(a) Arranging for the sequestration or poinding of the ground and endeavouring but being unable to execute same for whatever reason	46.75	46.75	46.75	70.20	70.20	70.20
(b) Arranging and effecting sequestration where the						

<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>
	£	£	£	£	£	£
appraised value is –						
(i) £605 or under	82.60	82.60	82.60			
(ii) over £605 and up to £2,431						
	129.70	129.70	129.70			
(iii) over £2,431 as 3(c)(iii) above						
(c) Arranging and effecting ordinary sequestrations or poinding of the ground				129.70	129.70	129.70
(d) Service – as in item 1(a) or (b) above, as the case may be						
6. <i>Auctions</i>						
(a) (i) Arranging auction, preparing advertisement and giving public notice	21.30	21.30	21.30	21.30	21.30	21.30
(ii) 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						
(b) (i) Officer and witness attending auction but auction not executed for whatever reason	46.75	46.75	46.75	70.20	70.20	70.20
(ii) Officer and witness attending auction	129.70	129.70	129.70	129.70	129.70	129.70
7. <i>Ejections</i>						
(a) Arranging ejection	46.75	46.75	46.75	70.20	70.20	70.20
(b) Arranging and executing ejection	96.05	96.05	96.05	109.00	109.00	109.00
8. <i>Taking possession of effects</i>						
(a) Arranging possession	46.75	46.75	46.75	70.20	70.20	70.20
(b) Arranging and effecting possession	96.05	96.05	96.05	129.70	129.70	129.70
9. <i>Apprehensions</i>						
(a) Arranging apprehension				70.20	70.20	70.20
(b) Arranging and apprehending				129.70	129.70	129.70
10. <i>Taking possession of a child</i>						
(a) Arranging to take possession				70.20	70.20	70.20
(b) Arranging and taking possession of each child				129.70	129.70	129.70

<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>
	£	£	£	£	£	£
11. <i>Arresting vessels, aircraft and cargo</i>						
(a) Arranging to arrest	46.75	46.75	46.75	70.20	70.20	70.20
(b) Arranging and effecting arrestment	118.00	118.00	118.00	214.55	214.55	214.55
12. <i>Miscellaneous</i>						
(a) Making any report or application under the Act of 1987 or the Act of 2002 with the exception of reporting an attachment	16.25	16.25	16.25	16.25	16.25	16.25
(b) Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	8.20	8.20	8.20	8.20	8.20	8.20
(c) Arranging locksmith or tradesman to be in attendance	5.20	5.20	5.20	5.20	5.20	5.20
(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	16.25	16.25	16.25	16.25	16.25	16.25
(e) Executing warrant to open lockfast places	16.25	16.25	16.25	16.25	16.25	16.25
(f) Time						
(i) with witness – £26.10 per unit						
(ii) without witness – £19.50 per unit						
(g) Photocopies						
(i) first page document – £1.85						
(ii) subsequent pages – per page – £1.00						

## **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 4.35% on the existing fees. This increase takes effect from 26th January 2009.

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£5.00