STATUTORY INSTRUMENTS

1977 No. 567 (S.49)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Fees of Messengers-at-Arms) 1977

Made - - - -	*25th March* 1977
Coming into Operation	*26th April* 1977

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)** and section 16 of the Administration of Justice (Scotland) Act 1933**(b)**, and of all other powers competent to them in that behalf, do hereby, with the consent of the Lord Lyon King of Arms, enact and declare:—

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Fees of Messengers-at-Arms) 1977 and shall come into operation on 26th April 1977.

(2) The Interpretation Act 1889**(c)** shall apply to the interpretation of this Act of Sederunt as it applies to the interpretation of an Act of Parliament.

New fees

2. The fees specified in Column 2 of the Schedule to this Act of Sederunt are the fees payable to Messengers-at-Arms in respect of the matters specified opposite them in Column 1 of the Schedule, and are so payable from the date this Act of Sederunt comes into operation.

Revocation

3. The Act of Sederunt (Fees of Messengers-at-Arms) 1975**(d)** is revoked.

Edinburgh
25th March 1977.

G. C. Emslie,
I.P.D.

(a) 1926 c. 16. (b) 1933 c. 41. (c) 1889 c. 63. (d) S.I. 1975/74 (1975 I, p. 242).

SCHEDULE

TABLE OF FEES FOR MESSENGERS-AT-ARMS

	Column 1	Column 2
1.	Taking instructions	£1.50
2.	*Summonses—Intimations—Witness Citations*	
	To serving Summons, Intimations or Citing Witness—each ..	£1.80
3.	*Interdicts and Inhibitions*	
	To Interdicting or Inhibiting—each	£3.60
4.	*Charges and Arrestments*	
	To Charging or Arresting on Extract Decree, Protest, Letters of Horning, Bond etc.—each	£2.40
	To Arresting to Found Jurisdiction—each	£2.40
5.	*Apprehensions*	
	(*a*) Apprehending prisoner and detaining or taking to Court Officer	£10.00
	Assistant	£5.00
	(*b*) Conducting prisoner from detention to Court House or vice versa	
	Officer	£6.00
	Assistant	£3.00
6.	*Arresting Vessels*	
	(*a*) To Officer arresting vessel	£20.00
	(*b*) Skilled Artisan's fee in addition	
7.	*Poindings*	
	(*a*) When the appraised value of the pointed effects on an Extract Decree, Registered Bond, Protest etc. does not exceed £50	£3.60
	Each additional £25 or part thereof	£1.20
	(*b*) Additional schedule for each other Defender or Possessor ..	£1.20
	(*c*) Valuators' Fee for Specialised Items in addition	
	(*d*) To arranging for Locksmiths or Tradesmen to be in attendance	£1.00
	(*e*) Tradesmen's fee in addition	
	(*f*) To attending to Poind and being unable to do so	£3.60
8.	*Sales*	
	(*a*) To arranging Sale and reserving time for Warrant Sale ..	£2.00
	(*b*) To obtaining Warrant	£1.00
	(*c*) To serving or intimating Warrant of Sale each Defender or Possessor	£1.80
	(*d*) Preparing advertisement	£1.00
	(*e*) Messenger attending as Judge of the Roup	£5.00
	(*f*) Attending Warrant Sale and being unable to execute same ..	£3.00
	(*g*) To arranging for Locksmiths or Tradesmen to be in attendance	£1.00
	(*h*) Locksmith and Tradesmen's fees in addition	
	(*i*) Preparing Report and lodging in Court	£1.50

	Column 1	Column 2
9.	*Travelling to effect any of the foregoing items* Each mile or part thereof	£0.30
10.	*Witness and/or Appraiser's Fees* The Witnesses and/or Appraiser's Fees (each) will be one-third of Messenger's Fee in so far as relevant	
11.	*Miscellaneous* Post copies, where necessary	£0.50
	Photo Copies—first copy per sheet	£0.50
	Subsequent copies per sheet	£0.15
12.	Fee chargeable at discretion when fee allowed is inadequate having regard to work involved	£1.50
13.	*General Regulations* The foregoing Table of Fees relates to work executed between normal business hours, i.e. 9.00 a.m. to 5.00 p.m. Diligence or Citation which of necessity is executed after 5.00 p.m. and before 10.00 p.m. additional 33⅓ per cent to be added. (Extra-judicial) Service of Citation or Diligence which of necessity requires execution after 10.00 p.m. and before 9.00 a.m. or on Saturdays or Public Holidays, additional 75 per cent to be added to Fee. (Extra-judicial) When the Messenger-At-Arms has to cross a Ferry he will be allowed the necessary costs of the Ferry. Unless by special arrangement the charges for mileage shall be calculated according to either the distance between the Messenger-At-Arms' Office and the place of Execution or the distance between the nearest Messengers-At-Arms' Office and the place of Execution, whichever shall be the lesser. (No charge for returning)	

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt makes new provision in respect of Messengers-at-Arms' fees.

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