SCOTTISH STATUTORY INSTRUMENTS

2003 No. 536

COURT OF SESSION

Act of Sederunt (Fees of Messengers-at-Arms) 2003

Made - - - -	*7th November 2003*
Coming into force - -	*1st January 2004*

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) 2003 and shall come into force on 1st January 2004.

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

Amendment of fees

2.—(1) Subject to sub-paragraph (2) below, the Table of Fees in the Schedule to this Act of Sederunt shall be substituted for the Table in Schedule 1 to the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002(**c**) and shall apply to work carried out by a messenger-at-arms on or after 1st January 2004.

(2) Sub-paragraph (1) does not affect the fees payable as respects any work so carried out before the date mentioned in that sub-paragraph.

Cullen of Whitekirk
Lord President,
I.P.D.

Edinburgh
7th November 2003

(**a**) 1926 c.16.
(**b**) 1988 c.36.
(**c**) S.S.I. 2002/566.

Paragraph 2

SCHEDULE

TABLE OF FEES

Item		*Band 1* £	*Band 2* £	*Band 3* £
1.	*Service or intimation of a document*			
	(a) Service			
	(i) each person at a different address	43.50	73.80	93.20
	(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	14.55	14.55	14.55
	(b) Postal service	21.30	21.30	21.30
	(c) Postal diligence	32.25	32.25	32.25
2.	*Inhibitions*			
	(a) Inhibition only			
	(i) each person at a different address	45.80	73.80	93.20
	(ii) each additional person at the same address	23.75	23.75	23.75
	(b) Inhibition and service			
	(i) each person at a different address	60.30	88.20	108.00
	(ii) each additional person at a different address	38.35	38.35	38.35
	(c) Inhibition, service and interdict			
	(i) each person at a different address	146.40	146.40	146.40
	(ii) each additional person at the same address	62.25	62.25	62.25
3.	*Interdicts*			
	(a) Interdict only			
	(i) each person at a different address	108.00	108.00	108.00
	(ii) each additional person at the same address	23.75	23.75	23.75
	(b) Interdict and service			
	(i) each person at a different address	122.55	122.55	122.55
	(ii) each additional person at the same address	38.35	38.35	38.35
	(c) Interdict, service and inhibition			
	(i) each person at a different address	146.40	146.40	146.40
	(ii) each additional person at the same address	62.25	62.25	62.25

Item			*Band 1* £	*Band 2* £	*Band 3* £
4.	*Attachments*				
	(a)	Serving notice of entry	8.15	8.15	8.15
	(b)	Arranging attachment and endeavouring but being unable to execute same for whatever reason	61.15	61.15	61.15
	(c)	Arranging and executing attachment where appraised value is—			
		(i) £504 or under	71.60	71.60	71.60
		(ii) over £504 and up to £2,024	111.00	111.00	111.00
		(iii) over £2,024 and up to £20,386 – 10% of the appraised value			
		(iv) over £20,386 and up to £101,917 – 10% of the first £20,386, 5% thereafter			
		(v) over £101,917 – 10% of the first £20,386, 5% thereafter up to £101,917 and 1% thereafter			
	(d)	Reporting attachment	6.85	6.85	6.85
5.	*Attachment of motor vehicles, heavy plant or machinery*				
	(a)	Arranging and executing attachment where appraised value is—			
		(i) £504 or under	71.60	71.60	71.60
		(ii) over £504 and up to £2,239	111.00	111.00	111.00
		(iii) over £2,239 and up to £101,917 – 5% of the appraised value			
		(iv) over £101,917 – 5% of the first £101,917 and 1% thereafter			
	(b)	Reporting attachment	6.85	6.85	6.85
6.	*Sequestrations for rent, poinding of the ground*				
	(a)	Arranging for the sequestration or poinding of the ground and endeavouring but being unable to execute same for whatever reason	58.40	58.40	58.40
	(b)	Arranging and effecting sequestration or poinding of the ground	108.00	108.00	108.00
7.	*Auctions*				
	(a)	(i) Arranging auction, preparing advertisement and giving public notice	17.70	17.70	17.70

Item				*Band 1* £	*Band 2* £	*Band 3* £
		(ii)	Serving copy 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			
	(b)	(i)	Officer and witness attending auction and being unable to execute same for whatever reason	58.40	58.40	58.40
		(ii)	Officer and witness attending auction sale	108.00	108.00	108.00
8.	*Ejections*					
	(a)		Arranging ejection	58.40	58.40	58.40
	(b)		Arranging and executing ejection	90.75	90.75	90.75
9.	*Taking possession of effects*					
	(a)		Arranging possession	58.40	58.40	58.40
	(b)		Arranging and effecting possession	108.00	108.00	108.00
10.	*Apprehensions*					
	(a)		Arranging apprehension	58.40	58.40	58.40
	(b)		Arranging and apprehending	108.00	108.00	108.00
11.	*Taking possession of children*					
	(a)		Arranging to take possession	58.40	58.40	58.40
	(b)		Taking possession of each child	108.00	108.00	108.00
12.	*Arresting vessels, aircraft and cargo*					
	(a)		Arranging to arrest	58.40	58.40	58.40
	(b)		Arranging and effecting arrestment	178.55	178.55	178.55
13.	*Miscellaneous*					
	(a)		Making any report or application under the Act of 1987 or the Act of 2002 with the exception of reporting an attachment	13.50	13.50	13.50
	(b)		Granting any receipt required to be issued under the Act of 1987 or the Act of 2002	6.85	6.85	6.85
	(c)		Arranging locksmith or trades man to be in attendance	4.40	4.40	4.40
	(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	13.50	13.50	13.50
	(e)		Executing warrant to open lockfast places	13.50	13.50	13.50
	(f)		Time			
		(i)	with witness – £21.70 per unit			
		(ii)	without witness – £16.20 per unit			

Item		*Band 1*	*Band 2*	*Band 3*
		£	*£*	*£*
(g)	Photocopies			
	(i) first page of document – £1.55			
	(ii) subsequent pages – per page – £0.70			

EXPLANATORY NOTE

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

This Act of Sederunt amends the Schedule to the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002 (S.S.I. 2002/566) by increasing the fees payable to messengers-at-arms by 3.2% with effect from 1st January 2004.

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