SCOTTISH STATUTORY INSTRUMENTS

2026 No. 208

COURT OF SESSION

SHERIFF APPEAL COURT

SHERIFF COURT

Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) 2026

Made - - - -	*17th June 2026*
Laid before the Scottish Parliament	*18th June 2026*
Coming into force	*25th September 2026*

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.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by sections 103(1), 104(1), 105(1) and 106(1) of the Courts Reform (Scotland) Act 2014(**b**) and all other powers enabling it to do so.

CHAPTER 1

CITATION, APPLICATION AND INTERPRETATION ETC.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) 2026.

(2) It comes into force on 25th September 2026.

(3) A certified copy is to be inserted in the Books of Sederunt.

Interpretation

2. In this Act of Sederunt—

(**a**) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).

(**b**) 2014 asp 18. Sections 105 and 106 were modified by S.S.I. 2018/158.

"the 1987 Act" means the Debtors (Scotland) Act 1987(**a**);

"the 1994 Act" means the Value Added Tax Act 1994(**b**);

"the 2002 Act" means the Debt Arrangement and Attachment (Scotland) Act 2002(**c**);

"the 2007 Act" means the Bankruptcy and Diligence etc. (Scotland) Act 2007(**d**);

"apprehension" means apprehending, detaining and taking to and from court or prison;

"arranging" means accepting instructions, checking for competency, reserving time, advising instructing agent, making all necessary arrangements, intimation and service (where necessary) prior to execution;

"first class recorded delivery post" means a postal service (within the meaning of section 27(1) of the Postal Services Act 2011(**e**)) which seeks to deliver documents or other things by post no later than the next working day in all or the majority of cases and which provides for the delivery of the document or other thing by post to be recorded;

"officer of court" means a messenger-at-arms or a sheriff officer;

"possession" means searching, taking possession and delivery;

"postal diligence" means service of any diligence, which may be served by post, by registered post or a first class recorded delivery service;

"postal service" means service or intimation by registered post or a first class recorded delivery service;

"registered post" means a registered post service within the meaning of section 125(1) of the Postal Services Act 2000(**f**);

"relevant fee" is the fee for chargeable work carried out by an officer of court that must be calculated in accordance with Chapter 2 and the Table of Charges;

"remote rural area" means an area classified as a remote rural area by the Scottish Government's Urban Rural Classification 2022(**g**);

"service" means service or intimation of any document under a rule of court or an order of the court and includes accepting instructions, preparation, postage and service or intimation of any ancillary form or other ancillary document;

"simple procedure case" has the meaning given by section 72(9) of the Courts Reform (Scotland) Act 2014(**h**);

"Table of Charges" means the Table of Charges set out in schedule 1 (table of charges for work carried out by officers of court);

"the relevant court" means the Court of Session, the Sheriff Appeal Court or the sheriff court;

"unit" has the meaning given by paragraph 4 (the unit).

Fees of officers of court

3. Chapter 2 (fees for work carried out by officers of court) and schedule 1 (table of charges for work carried out by officers of court) have effect in respect of work carried out by an officer of court in relation to causes or proceedings in, or work authorised by, the relevant court and the fees so calculated are the fees which are payable to that officer.

(**a**) 1987 c. 18.
(**b**) 1994 c. 23.
(**c**) 2002 asp 17.
(**d**) 2007 asp 3.
(**e**) 2011 c. 5.
(**f**) 2000 c. 26. Section 125(1) was last amended by S.I. 2018/1417.
(**g**) The Scottish Government Urban Rural Classification 2022 was published by the Office of the Chief Statistician on 16 December 2024 and was last updated on 27 February 2025; this Classification can be found at http://www.gov.scot/publications/scottish-government-urban-rural-classification-2022/.
(**h**) 2014 asp 18.

The unit

4.—(1) In this Act of Sederunt, references to a "unit" are to a measure of monetary charge with the relevant value.

(2) The "relevant value" is—

(a) from 25th September 2026, £6.10;

(b) from 1st April 2027, £6.22;

(c) from 1st April 2028, £6.35.

Application and revocation

5.—(1) This Act of Sederunt applies to work carried out by an officer of court on or after the date on which this Act of Sederunt comes into force.

(2) The Acts of Sederunt specified in schedule 2 (revocations) are revoked.

Saving and transitional provision

6.—(1) Notwithstanding paragraph 5(2) (revocations), this Act of Sederunt has no effect on the fees payable in respect of work carried out by an officer of court before 25th September 2026.

(2) When the relevant value of the unit increases by virtue of paragraph 4(2)(b) or (c) (relevant value of unit), this Act of Sederunt has no effect on the fees payable in respect of work carried out by an officer of court before 1st April 2027 or 1st April 2028 respectively.

CHAPTER 2

FEES FOR WORK CARRIED OUT BY OFFICERS OF COURT

Calculation of fees

7. Subject to this Chapter, unless otherwise provided for in this Act of Sederunt, the fees payable to an officer of court must be calculated in accordance with the Table of Charges and are payable in respect of—

(a) all forms of service or intimation of a document;

(b) citation of a person or execution of diligence;

(c) recovery of rates, charges or taxes by summary warrant;

(d) all other work authorised by the court,

executed by an officer of court during the normal business hours of 9.00 a.m. to 5.00 p.m.

Reductions on fees

8.—(1) In a case set out in sub-paragraph (2), the fee charged for any work carried out by a sheriff officer in respect of items 1(a) to 1(c), 2(a) and 2(b) in the Table of Charges must be reduced by 20%.

(2) Those cases are—

(a) a summary cause where the value of the claim is £1,500 or less (exclusive of interest and expenses) at the time when the cause is commenced;

(b) a summary cause falling within section 35(1)(c) of the Sheriff Courts (Scotland) Act 1971(**a**) (actions ad factum praestandum and actions for the recovery of possession of heritable or moveable property) where—

(**a**) 1971 c. 58. Section 35(1)(c) was amended by S.S.I. 2007/507.

(i) it contains no additional or alternative crave for decree for payment of money; or

(ii) the value of such crave is £1,500 or less (exclusive of interest and expenses);

(c) a simple procedure case in which—

(i) the value of a claim for payment of a sum of money is £1,500 or less (exclusive of interest and expenses) at the time when proceedings are commenced;

(ii) there is no claim for payment of a sum of money.

(3) The 20% reduction specified in sub-paragraph (1) does not apply to any work carried out by a sheriff officer in respect of recovery of rates, charges or taxes by summary warrant.

(4) Where personal service is required to be carried out by a sheriff officer for item 1(a)(i) in the Table of Charges and more than one visit is required, each additional visit must be charged at 50% of the relevant fee.

Surcharges on fees

9.—(1) The fee which a sheriff officer can charge for—

(a) the service or intimation of a document, citation of a person, or diligence which is necessary to execute outside of normal business hours must be surcharged by the levying of an additional charge of—

(i) 33% of the relevant fee, for any work which is carried out on a weekday between the hours of 5.00 p.m. and 10.00 p.m.;

(ii) 75% of the relevant fee, for any work which is carried out on a weekday after 10.00 p.m. and before 9.00 a.m. or on a Saturday, Sunday or a public holiday;

(b) the service or intimation of a document or inhibition in a remote rural area for items 1(a)(i), 2(a)(i) and 2(b)(i) in the Table of Charges must be surcharged by the levying of an additional charge of 33% of the relevant fee;

(c) work carried out for items 1(a), 2, 3(b) and 12 in the Table of Charges in respect of an action which has a value of over £100,000 must be surcharged by the levying of an additional fee of 0.01% of the value of the action.

(2) The fee which a messenger-at-arms can charge for the service, intimation or execution of a document in the Court of Session, must be surcharged by the levying of an additional charge of—

(a) for item 1(a)(i) in the Table of Charges, a 25% surcharge of the relevant fee;

(b) for items 1(a)(ii), 1(b) and 1(c) in that Table, a 10% surcharge of the relevant fee;

(c) for items 2(b) and (c) in that Table, a 2.5% surcharge of the relevant fee.

(3) For the purpose of this paragraph "public holiday" means—

(a) a bank holiday in Scotland, as set out in paragraph 2 of schedule 1 of the Banking and Financial Dealings Act 1971(**a**);

(b) any other day which is designated as a public holiday by a local authority for the local authority area in which the officer of court's place of work is located.

Additional fees

10. An additional fee may be negotiated between an officer of court and the instructing agent by prior agreement in the following circumstances—

(a) where that officer is standing by awaiting the delivery or uplifting of a document for immediate service;

(b) where that officer has to instruct a huissier or other officer of court outside Scotland to serve a document;

(**a**) 1971 c. 80. Paragraph 2 of schedule 1 was amended by section 1 of the St Andrew's Day Bank Holiday (Scotland) Act 2007 (asp 2).

(c) where there is no prescribed fee and the importance, urgency or value of the work involved necessitates an additional fee.

Outlays

11. All reasonable outlays, including postage, that were necessarily incurred by an officer of court in carrying out lawful instructions in respect of items 1(b) and (c) in the Table of Charges must be charged in addition to the relevant fee.

Fee notes

12.—(1) Every fee note rendered by an officer of court must set out in detail—

(a) the fees which are being charged by that officer;

(b) any reductions which apply to those fees under paragraph 8 (reductions on fees);

(c) any surcharges which apply to those fees under paragraph 9 (surcharges on fees);

(d) any additional fees agreed under paragraph 10 (additional fees);

(e) any outlays which have been charged,

so that fee note may be easily checked against the fees which an officer of court can charge in accordance with this Chapter and the Table of Charges.

(2) The fee note must be reviewed by another officer of court to ensure that it is fair and reasonable in the circumstances and must be adjusted by that officer if necessary.

Discounting

13. Discounting of fees is permitted between officers of court only.

Restrictions or modifications

14. Any restriction or modification made by an officer of court in respect of fees that are recoverable from a person must be passed on to that person only.

Charging by time

15.—(1) Work carried out by an officer of court that is to be charged on a time basis is to be calculated in intervals of 6 minutes.

(2) The units applicable to each 6 minute interval are set out in item 13(f) in the Table of Charges.

(3) For a sheriff officer, in respect of items 3, 6(b), 7(c) and (d), 8(b), 9(b), 10(b), 11(b) and 12(b) in the Table of Charges, charging on a time basis is to apply from the end of the first hour at the place of execution until completion.

(4) For messengers-at-arms, unless paragraphs 16 (use of ferry) to 18 (enquiries) apply, charging on a time basis is to apply from—

(a) the end of the first hour at the place of execution until completion; or

(b) after the messenger-at-arms has travelled a distance of 30 miles from the messenger's place of business until the messenger returns to a distance of 30 miles from that place.

Use of a ferry

16. Where an officer of court has to use a ferry, that officer, and any witness, must be allowed the necessary cost of the ferry, all reasonable subsistence and the time for boarding, crossing and returning, which must be charged on a time basis.

Notary public, commissioner or other person or attending as a witness

17. Where an officer of court is required to attend before a notary public, commissioner or other person or as a witness, a fee for such attendance by that officer and any other witness must be charged on a time basis.

Enquiries

18. Where an officer of court makes enquiries that are necessary to execute service, intimation, citation, diligence or any other work authorised by the relevant court, a fee for those enquiries must be charged on a time basis.

Realising of money attachment

19. Where, in respect of a money attachment, an officer of court is required to—

(a) realise the value of money attached and dispose of this under section 184 of the 2007 Act(**a**); and

(b) deposit cash and proceeds of foreign currency (including conversion of foreign currency),

the fee for such work must be charged on a time basis.

Value of attachment

20.—(1) Where, in respect of an attachment, the appraised value of an article exceeds the sum recoverable, the relevant fee payable to an officer of court must be calculated in accordance with the sum recoverable.

(2) Where, in respect of an attachment, a debtor or other occupier of the premises claims that goods are—

(a) subject to a hire purchase agreement or are the property of someone other than the debtor; and

(b) refuses or is unable to produce evidence to that effect,

an officer of court may attach the goods.

(3) Where sub-paragraph (2) applies, an officer of court must add a note on the schedule of the attachment stating that the debtor claims that goods are subject to a hire purchase agreement or are the property of someone other than the debtor.

(4) Where, in respect of a money attachment, the value of the money exceeds the sum recoverable, the relevant fee payable to an officer of court must be calculated in accordance with the sum recoverable.

(5) Where, in respect of a money attachment, a debtor or other occupier of the premises claim that money is—

(a) the property of someone other than the debtor; and

(b) refuses, or is unable to produce evidence to that effect,

an officer of court may attach the money.

(6) Where sub-paragraph (5) applies, an officer of court must add a note on the schedule of the attachment stating that the debtor claims that the money is the property of someone other than the debtor.

(**a**) Section 184 was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 4, paragraph 24.

Value Added Tax

21.—(1) Where an officer of court is a taxable person and supplies a taxable service to any other person, subject to sub-paragraph (2), that officer must charge that person—

(a) the relevant fee for supplying that service; and

(b) an additional amount equal to any value added tax which that person must pay for the supply of that service.

(2) For the purpose of this paragraph—

(a) a "taxable person" has the same meaning as that given by section 3 (taxable persons and registration)(**a**) of the 1994 Act;

(b) a "taxable supply" has the same meaning as that given by section 4(2) (scope of VAT on taxable supplies) of the 1994 Act.

PAUL CULLEN
Lord President
I.P.D.

Edinburgh
17th June 2026

(**a**) Section 3 was last amended by the Taxation (Post-transition Period) Act 2020 (c. 26), schedule 2, paragraph 3.

SCHEDULE 1

Paragraph 3

TABLE OF CHARGES FOR WORK CARRIED OUT BY OFFICERS OF COURT

Item	Units
1. Service or intimation of a document	
(a) Service	
(i) each person at a different address	18
(ii) each additional person at the same address or additional copy required to be served or intimated under the 1987 Act or 2002 Act	4
(b) Postal service	6
(c) Postal diligence	9
2. Inhibitions	
(a) Inhibitions only	
(i) each person at a different address	23
(ii) each additional person at the same address	7
(b) Inhibition and service	
(i) each person at a different address	27
(ii) each additional person at the same address	12
(c) Inhibition service and interdict	
(i) each person at a different address	44
(ii) each additional person at the same address	19
3. Interdicts (including non-harassment orders under the Protection from Harassment Act 1997(a) and antisocial behaviour orders under the Antisocial Behaviour etc. (Scotland) Act 2004)(b)	
(a) Interdict only	
(i) each person at a different address	33
(ii) each additional person at the same address	7
(b) Interdict and service	

(**a**) 1997 c. 40.
(**b**) 2004 asp 8.

Item	Units
(i) each person at a different address	37
(ii) each additional person at the same address	11
4. Attachments	
(a) Service notice of entry	3
(b) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	19
(c) Arranging and executing attachment where appraised value is—	
(i) £1000 or under	22
(ii) over £1000	34
(d) Reporting attachment	2
5. Attachment of motor vehicles, heavy plant or machinery	
(a) Arranging and executing attachment where appraised value is—	
(i) £1000 or under	22
(ii) over £1000	34
(b) Reporting attachment	2
6. Money attachments under the 2007 Act	
(a) Arranging attachment and endeavouring but being unable to execute the same for whatever reason	19
(b) Arranging and executing attachment, including removal of attached money, where value of money is—	
(i) £1000 or under	22
(ii) over £1000	34
(c) Reporting attachment	2
7. Auctions	
(a) Arranging auction, preparing advertisement and giving public notice	5
(b) Serving copy of warrant of auction, intimating the place and date of auction and, if necessary, the date of removal of attached effects	As per items 1(a) or (b) above, as the case may be
(c) Officer and witness attending auction but auction not executed for whatever reason	18
(d) Officer and witness attending auction	33

Item	Units
8. Ejections	
(a) Arranging ejection	18
(b) Arranging and executing ejection	28
9. Taking possession of effects	
(a) Arranging possession	18
(b) Arranging and effecting possession	33
10. Apprehensions	
(a) Arranging apprehension	18
(b) Arranging and apprehending	33
11. Uplifting children	
(a) Arranging uplift	18
(b) Uplifting each child	33
12. Arresting vessels, aircraft and cargo	
(a) Arranging to arrest	18
(b) Arranging and effecting arrestment	55
13. Miscellaneous	
(a) Making any report or application under the 1987 Act, the 2002 Act or 2007 Act with the exception of reporting an attachment or a money attachment	4
(b) Granting any receipt required to be issued under the 1987 Act or 2002 Act	2
(c) Arranging a locksmith or tradesperson to be in attendance	3
(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	4
(e) Executing warrant to open lockfast places	4
(f) Time	
(i) six minutes with witness attending	1.4
(ii) six minutes without witness attending	1
(g) Photocopies	
(i) first page document – £2.55	
(ii) subsequent pages – per page £1.40	

Item	Units
(h) Service of a document in Scotland under the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters concluded on 15th November 1965 (commonly referred to as the "Hague Service Convention")	
(i) personal service	31
(ii) postal service	10
(i) Service of a document on the same day as instructed	20

SCHEDULE 2

Paragraph 5(2)

REVOCATIONS

Act of Sederunt revoked	*References*
Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002	2002/566
Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002	2002/567
Act of Sederunt (Fees of Messengers-at-Arms) 2003	2003/536
Act of Sederunt (Fees of Sheriff Officers) 2003	2003/538
Act of Sederunt (Fees of Sheriff Officers) 2004	2004/513
Act of Sederunt (Fees of Messengers-at-Arms) 2004	2004/515
Act of Sederunt (Fees of Messengers-at-Arms) 2005	2005/582
Act of Sederunt (Fees of Sheriff Officers) 2005	2005/583
Act of Sederunt (Fees of Sheriff Officers) 2006	2006/539
Act of Sederunt (Fees of Messengers-at-Arms) 2006	2006/540
Act of Sederunt (Fees of Messengers-at-Arms) 2007	2007/532
Act of Sederunt (Fees of Sheriff Officers) 2007	2007/550
Act of Sederunt (Fees of Sheriff Officers) 2008	2008/430
Act of Sederunt (Fees of Messengers-at-Arms) 2008	2008/431
Act of Sederunt (Fees of Sheriff Officers) (Diligence) 2009	2009/379
Act of Sederunt (Fees of Messengers-at-Arms) (Diligence) 2009	2009/383
Act of Sederunt (Fees of Sheriff Officers) 2011	2011/47
Act of Sederunt (Fees of Messengers-at-Arms) 2011	2011/48
Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2011	2011/431
Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2011	2011/432
Act of Sederunt (Fees of Sheriff Officers) (Amendment) 2012	2012/7
Act of Sederunt (Fees of Messengers-at-Arms) (Amendment) 2012	2012/8
Act of Sederunt (Fees of Messengers-at-Arms) (Amendment) (No. 2) 2012	2012/340
Act of Sederunt (Fees of Sheriff Officers) (Amendment) (No. 2) 2012	2012/341
Act of Sederunt (Fees of Sheriff Officers) 2013	2013/345
Act of Sederunt (Fees of Messengers-at-Arms) 2013	2013/346
Act of Sederunt (Fees of Sheriff Officers) 2016	2016/100

Act of Sederunt revoked	*References*
Act of Sederunt (Fees of Messengers-at-Arms) 2016	2016/101
Act of Sederunt (Fees of Sheriff Officers) (Amendment) 2017	2017/153
Act of Sederunt (Fees of Messengers-at-Arms, Sheriff Officers and Shorthand Writers) (Amendment) 2018	2018/126
Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Hague Service Convention) (Amendment) 2020	2020/423
Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2021	2021/225
Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2024	2024/41

EXPLANATORY NOTE

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

This Act of Sederunt consolidates and revokes the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002, the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002 and the Acts of Sederunt which have amended these instruments.

This Act of Sederunt also introduces a new charging model in which fees by officers of court (sheriff officers and messengers-at-arms) are charged in units. It establishes the value of a single unit. This value has been adjusted for inflation and will increase by 2% up to and including financial year 2028/29. This Act of Sederunt also changes how work carried out by officers of court, which is calculated on a time basis, will be charged. Fees for certain types of work which take an officer of court more than one hour to complete will be charged in 6 minute intervals. This charge only applies to the portion of that work which exceeds one hour until it is complete. It also makes changes to the reductions which can be made to the fees of sheriff officers and sets out what surcharges apply to fees for officers of court.

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