POLICY NOTE

ACT OF SEDERUNT (FEES OF MESSENGERS-AT-ARMS AND SHERIFF OFFICERS) 2026

SSI 2026/208

The regulatory framework

1. This statutory instrument represents a coercive enforcement function that is delivered on behalf of the state, by messengers-at-arms and sheriff officers who are licenced to operate within this regulated market.

2. Within the regulatory framework established by the courts for that regulated market:

   - Each specialist provider is licenced under the commission issued by the courts. They are required to deliver their services under judicial supervision, and their duty of care is primarily to the court (rather than the consumer).

   - Under section 2(1)(c)(ia) of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013, the Council holds the power to regulate the level of fees that can be charged in that market by these specialist providers. The Council does so by proposing draft fees rules to the Court of Session for its consideration, approval, and enactment.

The pricing methodology

3. Until now, there have been two separate statutory instruments: one which set the fees that could be charged by messengers-at-arms and the other which set the fees that could be charged by sheriff officers. Under the Council's previous pricing model, the monetary value of fees was amended on a regular basis to uplift these in line with inflation. That approach resulted in users perceiving those instruments as overly complex and far from easy to use, and a framework which was difficult for the Council to update.

4. During 2025 the Council ran a public consultation exercise on implementing *unit-based charging* as its preferred pricing methodology for regulating the fees that could be charged by messengers-at-arms and sheriff officers with all future charges underpinned by fixed baseline units of work (per 6-minutes or part thereof). In line with the positive feedback received from respondents, the Council is now adopting that new approach through the enactment of this statutory instrument.

5. That simplified approach, combined with the use of ad hoc inflation adjustments, will deliver more transparent pricing for consumers and a more efficient method for the Council to use in regulating this market.

Secretariat to the Scottish Civil Justice Council
June 2026