POLICY NOTE

ACT OF SEDERUNT (FEES OF MESSENGERS-AT-ARMS AND SHERIFF OFFICERS) (AMENDMENT) 2024

SSI 2024/41

Introduction

1. This Policy Note is published to accompany the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2024 made by the Court of Session on 7th February 2024. The Policy Note has been prepared by the Scottish Civil Justice Council Secretariat to set out the Council's policy behind the rules. It does not form part of the rules.

Policy Objective

2. The objective of the Act of Sederunt is to provide court rules to implement an uplift in the fees chargeable by the Society of Messengers-at-Arms and Sheriff Officers.

Background

3. The fees charged by members of the Society of Messengers-at-Arms and Sheriff Officers (SMASO) are regulated by Act of Sederunt. This latest amending instrument includes an uplift of 11.9% which has been applied to each fee item listed.

4. The Council's policy approach is to use an evidence-based approach when assessing any proposed uplifts to regulated fees. The Council's Costs and Funding Committee assessed the evidence base provided by SMASO and undertook reasonableness tests. The Committee concluded that an uplift of 11.9% is reasonable given that:

    - The cost of living crisis has shifted the UK well away from the low inflation environment that held prior to 2021;
    - Salary costs and fuel costs dominate the business model used for the service of court orders and enforcement;
    - SMASO has satisfactorily evidenced options to help offset cost increases to consumers;
    - The fee items listed are proportionate to the service delivered;
    - The existing fees, reflecting an evaluation period which ended in December 2020, have been in effect since 30th June 2021;
    - This 11.9% fees uplift has arisen from the subsequent 21 month evaluation period from December 2020 to September 2022; and
    - The comparable CPI change over that period was 13.9%.

Scottish Civil Justice Council Secretariat
February 2024