2. This Act of Sederunt may be cited as the Act of Sederunt (Sheriff Court Fees) 1949 and shall come into operation on the seventh day of January, nineteen hundred and forty nine.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt and to be printed and published in common form.

T. M. Cooper,
I.P.D.

Edinburgh, 4th January, 1949.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

This Act of Sederunt is consequential upon the provisions of the National Health (Service) Scotland Act 1947.

(2) OFFICERS' FEES

Act of Sederunt (Fees of Sheriff Officers) 1949

1949 No. 346 (S. 19)

Made - - - -	*3rd March,* 1949
Laid before Parliament	*4th March,* 1949
Coming into Operation	*7th March,* 1949

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 40 of the Sheriff Courts (Scotland) Act, 1907(**a**), section 6 of the Execution of Diligence (Scotland) Act, 1926(**b**), and section 34 of the Administration of Justice (Scotland) Act, 1933(**c**), and of all other powers competent to them in that behalf, do hereby enact as follows:—

1. The fees in civil business exigible by Sheriff Officers shall be those prescribed in the Schedule hereto.

2. The provisions of the Codifying Act of Sederunt, 1913(**d**), Book M, Chapter III as amended, of the Act of Sederunt dated 5th November, 1926(**e**), as amended, and of all other Acts of Sederunt relating to the fees of Sheriff Officers are hereby repealed.

3. This Act of Sederunt may be cited as the Act of Sederunt (Fees of Sheriff Officers) 1949, and shall come into operation on the 7th day of March, 1949.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

T. M. Cooper,
I.P.D.

Edinburgh.
3rd March, 1949.

(a) 7 Edw. 7. c. 51. (b) 16 & 17 Geo. 5. c. 16.
(c) 23 & 24 Geo. 5. c. 41. (d) S.R. & O. 1913 (No. 638) p. 2013.
(e) S.R. & O. 1926 (No. 1394) p. 1221.

SCHEDULE.

TABLE OF FEES FOR SHERIFF OFFICERS.

ORDINARY COURT CASES.

	Fee £ s. d.
1. CITATIONS AND ATTENDANCES.	
(1) Serving Writ, Petition, Complaint, Minute, Interlocutor, Warrant or Intimation, or Citing for Examination, including return of Execution	0 5 0
(2) Charging on Decree or Extract Registered Bond, Lease or Protest etc. using Arrestment, for each of these several Acts, including return of Execution	0 7 6
(3) Additional copies in (1) and (2) where necessary	0 2 0
(4) Citing each Witness for Ordinary Court and returning Execution	0 3 0
(5) Attending the proof or Examination of parties or witnesses, for the first hour—	
Officer	0 5 0
Concurrents, each	0 2 6
For each hour or part thereafter—	
Officer	0 5 0
Concurrents, each	0 2 6
2. POINDINGS.	
(1) When the appraised value on an Ordinary Court Decree or Extract Registered Protest does not exceed £5	0 10 6
(2) Exceeds £5 but does not exceed £10	0 15 0
(3) Exceeds £10 but does not exceed £20	1 0 0
(4) Exceeds £20 but does not exceed £35	1 5 0
(5) Exceeds £35 but does not exceed £50	1 10 0
(6) Exceeds £50 but does not exceed £100	2 0 0
(7) Exceeds £100 then in proportional amounts as above for each additional £100 or part thereof, but in no case the charge to exceed £4	4 0 0
(8) Framing and Extending Schedule, Inventory and Execution, for each sheet of 250 words or part thereof	0 2 0
3. SEQUESTRATIONS FOR RENT AND POINDINGS OF THE GROUND.	
(1) Inventorying Sequestrated Effects: or moveables on a Writ or Poinding of the Ground, and executing Warrant to Open, when the sum to be secured does not exceed £20	1 0 0
(2) Exceeds £20 but does not exceed £50	1 10 0
(3) Exceeds £50 but does not exceed £100	2 0 0
(4) Exceeds £100 then in proportional amounts as above for each additional £100 or part thereof, but in no case the charge to exceed £4	4 0 0
(5) Extending Schedule, Inventory and Execution for each sheet of 250 words or part thereof	0 2 0
4. EJECTIONS.	
(1) Ejecting each defender under Ordinary Court Decree	2 2 0
(2) Summary Court—Serving Complaint or Re-enrolment	0 5 0
(3) Any necessary outlays under (1).	

	Fee £ s. d.
5. ARRESTING VESSEL.	
(1) Arresting Vessel on Ordinary Court Warrant	2 2 0
(2) Travelling as in No. 7 (1) and (2).	
(3) Detention as in No. 7 (3).	
(4) Dismantling Vessel with travelling and detention as above and necessary outlays for skilled artisans and boat hire	2 10 0
6. APPREHENSIONS.	
(1) Executing Warrant to Apprehend and lodging in Prison ..	2 2 0
(2) Detention for each hour or part thereof after the first ..	0 5 0
(3) Outlays, Cab, or other fare when necessary, and maintenance.	
(4) Taking Prisoner from Prison to Court-House for examination	1 1 0
(5) While Prisoner in Custody for each hour or part thereof, after the first	0 5 0
(6) Travelling per mile or part thereof— Officer and Concurrent	0 5 0
7. TRAVELLING, DETENTION, OUTLAYS, ETC.	
(1) For each mile or part of a mile from the Court-House where Warrant granted, to place of Execution— Officer	0 1 6
(2) Witness and Appraisers each	0 1 0
(3) For each hour or part thereof after the first that the Officer and Witness or Assistant are detained at a Poinding or Ejection—	
Officer	0 5 0
Each witness	0 2 6
But not to exceed in all £3, per day of eight hours.	
(4) Attending Sale of Sequestrated or poinded effects as Judge of the Roup .. .. Mileage in addition as in (1).	1 1 0
(5) For each hour or part of an hour after the first	0 5 0
(6) Any necessary outlays.	
8. SMALL DEBT COURT CASES.	
(1) Serving summons, Sist, or counterclaim	0 3 0
(2) Citing each witness	0 2 6
(3) Postage in addition.	
(4) Charge	0 3 6
(5) Arrestment	0 3 6
(6) Post copies under (1) (4) and (5) where necessary	0 2 0
(7) Postage in addition.	
(8) Poinding or Sequestrating	0 10 6
(9) Sale and Report same as in (8).	
(10) Detention at a Sale, waiting for Furniture etc. being removed, and seeing house properly secured; for every hour after the first—	
Officer	0 5 0
Witnesses, each	0 2 6
But not to exceed in all £3, per day of eight hours	3 0 0
(11) Any necessary outlays.	
(12) Carrying back, same fees as in (8) to (11).	

	Fee £ s. d.
(13) Executing Warrant to Open	0 3 0
(14) Locksmith's Fees in addition.	
(15) Detention, fees as in (10).	
(16) Granting certificate of Displenishment	0 2 6
(17) Enrolling for Warrant to Eject and Re-let and Intimating Diet to Defender	0 5 0
(18) Each extra copy	0 2 0
(19) Postage in addition.	
(20) Arresting Vessel	1 5 0
(21) Travelling. For each mile or part thereof from the Court-House—	
Officer	0 1 6
Witnesses, each	0 1 0
9. SUMMARY EJECTIONS.	
(1) Serving Summary Ejection Summons or Complaint and return of Execution	0 3 0
(2) Serving Intimation of Re-enrolment and return of Execution ..	0 3 0
(3) Postage in addition.	
(4) Ejecting each Defender	1 1 0
(5) Any necessary outlays.	

GENERAL REGULATIONS.

(1) When the Officer has to cross a Ferry he will be allowed the necessary costs of the Ferry, and, for mileage to charge the breadth of the Ferry and one half more.

(2) Where the Officer can more expeditiously reach the destination by railway or other public conveyance, he will be allowed for time occupied, including time of travelling.

Officer, per hour	0 5 0
Each witness, per hour	0 2 6

(3) In no case shall any Officer be entitled (unless under special contract) to charge more than would be allowed to the Officer nearest the Court-House from which the Warrant or Authority upon which he acts is issued.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

This Act of Sederunt repeals all existing Acts of Sederunt relating to the fees exigible by Sheriff Officers in civil business and prescribes a new table of fees.