STATUTORY INSTRUMENTS

1971 No. 808 (L. 17)

SHERIFF, ENGLAND

The Sheriffs' Fees (Amendment) Order 1971

Made - - - - 13*th May* 1971

Coming into Operation 1*st July* 1971

The Lord Chancellor, in exercise of the powers conferred on him by section 20(2) of the Sheriffs Act 1887(**a**) and with the advice and consent of the Judges of the Court of Appeal and the High Court and with the concurrence of the Treasury, hereby makes the following Order :—

1.—(1) This Order may be cited as the Sheriffs' Fees (Amendment) Order 1971 and shall come into operation on 1st July 1971.

(2) In this Order—

" the Order of 1920 " means the Order made under section 20(2) of the Sheriffs Act 1887 and dated 8th July 1920(**b**), as amended(**c**) ;

" the Order of 1921 " means the Order made under the said section 20(2) and dated 2nd May 1921(**d**).

(3) The Interpretation Act 1889(**e**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The Table of Fees set out in the Schedule to the Order of 1920 shall be amended as follows :—

(1) In Fee No. 1—

(*a*) for the first paragraph there shall be substituted the following paragraph :—

" *For Mileage* from the sheriff's officer's residence to the place of levy and return, in respect of one journey made to seize the goods and, where appropriate, one journey made to remove the goods, *per mile* ... ... £0.05 " ;

(*b*) in the second paragraph for the words " the place at which the seizure is to be made " there shall be substituted " the place of levy ".

(2) In Fee No. 2 for the words from " when the sum indorsed " to " £1.11.6 " there shall be substituted the words " £2 ".

(3) In Fee No. 3 for the words " £1.1.0 " wherever they appear there shall be substituted the words " £2 ".

(4) In Fee No. 4 for the words " £0.17.6 " there shall be substituted the words " £3 ".

(5) In Fee No. 8(2) for paragraph (*b*) there shall be substituted the following paragraph :—

" (*b*) Where the goods have not been removed from the debtor's premises but work has been done by the auctioneer or sheriff's officer with a view to sale, for his commission, in addition to out-of-pocket expenses actually and reasonably incurred, 5 per cent. of the value of the goods.

This fee is to be charged only where the work done includes the preparation of a detailed inventory of the goods seized ".

(**a**) 1887 c. 55. (**b**) S.R. & O. 1920/1250 (Rev. XX, p. 734: 1920 II, p. 673).
(**c**) S.I. 1956/502, 2081, 1962/2417 (1956 II, pp. 2222, 2224; 1962 III, p. 3311).
(**d**) S.R. & O. 1921/827 (Rev. XX, p. 736: 1921, p. 1226). (**e**) 1889 c. 63.

(6) For Fee No. 10 there shall be substituted the following fee :—

"10. *Sheriff's poundage* on the amount recovered, 5 per cent. up to £100 and 2½ per cent. above that sum."

(7) In the first paragraph following Fee No. 10 for the words "£40" there shall be substituted the words "£100".

3. The Table of Fees set out in Part I of the Schedule to the Order of 1921 shall be amended as follows :—

(1) In Fee No. 1 for the words "7s. 6d." there shall be substituted the words "£2".

(2) After Fee No. 7 there shall be inserted the following fees :—

"ON WRITS OF POSSESSION OR DELIVERY

7A. For mileage from the sheriff's officer's residence to the place where the land or goods are situated and return, in respect of one journey made to execute a writ of possession or delivery, per mile ... ... £0.05".

7B. For executing a writ of possession, poundage at the rate of 7½ per cent. of the net annual value for rating of the property seized:

Provided that where the property does not consist of one or more hereditaments having at the time of seizure a separate net annual value for rating, the property or such part of it as does not so consist shall be taken to have a net annual value for rating equal to its value by the year.

7C. For executing a writ of delivery, poundage at the rate of 4 per cent. of the value of the goods as stated in the writ of summons or judgment."

(3) For Fee No. 8 there shall be substituted the following fee :—

"8. For a copy of any return indorsed by the sheriff on a writ of execution ... ... £1."

4. Any fee or poundage to be charged under the Order of 1920 or the Order of 1921 or under either of those Orders as amended by this Order, at the rate of 2½ per cent., 7½ per cent. or 12½ per cent. on any sum shall be calculated on every £2 or part thereof of that sum.

Dated 7th May 1971.

Hailsham of St. Marylebone, C.

Widgery, C.J.
Denning, M.R.
George Baker, P.

We concur,

Dated 13th May 1971.

H. S. P. Monro,
Bernard Weatherill,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the fees payable to sheriffs for the execution of process issuing out of the High Court. The mileage fee is increased and made payable not only on a journey to seize the goods under a writ of fi. fa. but also on a journey to remove the goods or to execute a writ of possession or delivery. Certain other fees are also increased. Provision is made for the poundage on a writ of possession to be charged on the net annual value of the property for rating instead of its yearly value. The poundage on writs of fi. fa., possession and delivery is put on a percentage basis and provision is made for certain percentage fees to be calculated on every £2 of the relevant sum.

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