1963 No. 2123 (S. 118)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Fees of Sheriff Officers) 1963

Made - - - -	*20th December* 1963
Laid before Parliament	*31st December* 1963
Coming into Operation	*2nd January* 1964

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. From and after 2nd January 1964 the fees in civil business exigible by Sheriff Officers shall be those prescribed in the Schedule hereto.

2. From and after 2nd January 1964 the fees prescribed in the Schedule to the Act of Sederunt (Fees of Sheriff Officers) 1960, dated 22nd March 1960(d), shall no longer apply.

3. This Act of Sederunt may be cited as the Act of Sederunt (Fees of Sheriff Officers) 1963, and shall come into operation on 2nd January 1964.

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

J. L. Clyde,
I.P.D.

Edinburgh.
20th December 1963.

SCHEDULE

Table of Fees for Sheriff Officers

Ordinary Court Cases

1. Citations, Charges, Arrestments, etc.

	Fee £ s. d.
(1) Serving Writ, Petition, Complaint, Minute, Interlocutor, Warrant, or Intimation, or Citing for Examination including return of Execution	0 10 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 14 0
(3) Additional copies in (1) and (2) where necessary	0 3 4

(a) 7 Edw. 7. c. 51.
(b) 16 & 17 Geo. 5. c. 16.
(c) 23 & 24 Geo. 5. c. 41.
(d) S.I. 1960/564 (1960 III, p. 3090).

	Fee £ s. d.
(4) Post Office charges for postage and registration when necessary in addition to above	
(5) Citing each Witness for Ordinary Court and returning Execution	0 10 0
(6) Attending the Proof or Examination of parties or Witnesses for the first hour—	
Officer	0 13 4
Concurrents, each	0 6 8
For each hour or part thereof thereafter—	
Officer	0 13 4
Concurrents, each	0 6 8
(7) Travelling, Outlays, etc.	
For each mile or part thereof from the Court House where Warrant granted to place of Execution (no charge returning)—	
Officer	0 2 0
Witness	0 1 4
2. POINDINGS	
(1) When the appraised value on an Ordinary Court Decree or Extract Registered Bond, Protest, etc. does not exceed £5 ...	0 14 0
(2) Exceeds £5 but does not exceed £10	1 0 0
(3) Exceeds £10 but does not exceed £20	1 13 4
(4) Exceeds £20 but does not exceed £35	2 0 0
(5) Exceeds £35 but does not exceed £50	2 13 4
(6) Exceeds £50 but does not exceed £75	3 6 8
(7) Exceeds £75 but does not exceed £100	4 0 0
(8) Exceeds £100—each £25 thereafter	0 13 4
(9) Framing and extending Schedule, Inventory and Execution. For each sheet of 250 words or part thereof	0 2 8
(A) Travelling, Detention, Outlays, etc.	
(1) For each mile or part thereof from the Court House where Warrant granted to place of Execution (no charge returning)—	
Officer	0 2 0
Witness and Appraisers (each)	0 1 4
(2) For each hour or part thereof after the first, that the Officer or Witness and Appraiser is detained at a Poinding—	
Officer	0 13 4
Witness and Appraiser (each)	0 6 8
(3) Any necessary outlays	
3. SEQUESTRATIONS FOR RENT AND POINDINGS OF THE GROUND	
Same fees as for Poindings 2. (1) to (9) and 2(A) (1) to (3) (substituting sum to be secured for appraised value)	
4. EJECTIONS	
(1) Ejecting each Defender under Ordinary Court Decree ...	4 4 0
(2) Any Necessary outlays	
(3) Travelling and detention as in 2(A) (1) to (3)	

	Fee £ s. d.
5. SALES	
(1) Attending Sale of Sequestrated or Pointed effects as Judge of Roup	2 2 0
(2) Travelling and detention as in 2(A) (1) to (3)	
6. ARRESTING VESSEL	
(*a*) (1) Arresting Vessel on Ordinary Court Warrant	4 4 0
(2) Travelling as in 2(A) (1) to (3)	
(*b*) Dismantling Vessel with travelling and detention as above and necessary outlays for boat hire and for skilled artisans etc.	5 12 0
7. APPREHENSIONS	
(1) Apprehending prisoner and lodging in prison	4 4 0
(2) Taking prisoner from prison to Court House	2 16 0
(3) Detention as in 2(A) (2)	
(4) Travelling per mile or part thereof— Officer and Concurrent	0 6 8
(5) Outlays, cab and other fare when necessary and maintenance	
8. SEARCH AND RE-POSSESSION	
(1) Searching premises and taking possession of Article(s) under Decree of Delivery	2 16 0
(2) Travelling and detention as in 2(A) (1) to (3)	
(3) Any necessary outlays	
9. SMALL DEBT CASES	
(1) Serving Summons, Sist or Counterclaim (by post)	0 4 0
(2) Serving Summons, Sist or Counterclaim (by hand)	0 8 0
(3) Citing each Witness	0 10 0
(4) Charge	0 8 0
(5) Arrestment	0 8 0
(6) Post copies under (1), (2), (4) and (5) where necessary ...	0 3 4
(7) Post Office charges for Postage and Registration in addition in each of above when necessary	
(8) Pointing and Sequestration—	
When appraised value does not exceed £5	0 14 0
When appraised value exceeds £5 but does not exceed £10	1 0 0
When appraised value exceeds £10 but does not exceed £15	1 6 8
When appraised value exceeds £15 but does not exceed £20	1 13 4
When appraised value exceeds £20 but does not exceed £35	2 0 0
When appraised value exceeds £35	2 13 4
(9) Sale and Report— As in (8).	
(10) Detention at Poinding, Sequestration or Sale, for each hour after the first—	
Officer	0 13 4
Witness (each)	0 6 8
(11) Any necessary outlays	

	Fee £ s. d.
(12) Carrying Back— As in (8), (10) and (11).	
(13) Executing Warrant to open	0 4 0
(14) Locksmith's fees in addition	
(15) Granting Certificate of Displenishment	0 3 4
(16) Enrolling for Warrant to eject and re-let and intimating to Defender	0 6 8
(17) Each extra copy	0 3 4
(18) Postage in addition	
(19) Arresting Vessel	1 13 4
(20) Travelling as in 2(A) (1)	
(21) Searching premises and taking possession under Decree of Delivery ... ... Travelling and detention as in 2(A) (1) to (3).	1 8 0
(22) Any necessary outlays	
10. SUMMARY EJECTIONS	
(1) Serving Summary Ejection Complaint and return of Execution (by post)	0 4 0
(2) Serving Summary Ejection Complaint and return of Execution (by hand)	0 8 0
(3) Serving Intimation of re-enrolment and return of Execution	0 4 0
(4) Postage in addition	
(5) Ejecting each Defender	2 2 0
(6) Travelling and Detention as in 2(A) (1) to (3)	
(7) 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) 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 prescribes a new Table of Fees exigible by Sheriff Officers in civil business.