1970 No. 1057 (S.78)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Fees of Sheriff Officers) 1970

Made - - - -	15*th July* 1970
Laid before Parliament	24*th July* 1970
Coming into Operation	17*th August* 1970

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 and declare as follows:—

1. The Act of Sederunt (Fees of Sheriff Officers) 1963(**d**) is hereby repealed.

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

3. This Act of Sederunt may be cited as the Act of Sederunt (Fees of Sheriff Officers) 1970, and shall come into operation on 17th August 1970.

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

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

Edinburgh,
15th July 1970.

SCHEDULE

Table of Fees for Sheriff Officers

Ordinary Court Cases

	Fee £ s. d.
1. CITATIONS, CHARGES, ARRESTMENTS ETC.	
(1) Serving Writ, Petition, Complaint, Minute, Interlocutor, Warrant, or Intimation, or Citing for Examination including return of Execution.	1 0 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.	1 0 0
(3) Additional copies in (1) and (2) where necessary	– 5 0

(**a**) 1907 c. 51.
(**b**) 1926 c. 16.
(**c**) 1933 c. 41.
(**d**) S.I. 1963/2123 (1963 III, p. 4722).

		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	1 0 0
(6)	Attending the Proof or Examination of parties or Witnesses charged as in Detention.	
2. POINDINGS.		
(1)	When the appraised value on an Ordinary Court Decree or Extract Registered Bond, Protest, etc. does not exceed £5 ...	- 15 0
(2)	Exceeds £5 but does not exceed £10	1 5 0
(3)	Exceeds £10 but does not exceed £35	2 0 0
(4)	Exceeds £35 but does not exceed £50	2 10 0
(5)	Exceeds £50 but does not exceed £75	3 0 0
(6)	Exceeds £75 but does not exceed £100	4 0 0
(7)	Exceeds £100—each £25 thereafter.	- 15 0
(8)	Framing and extending Schedule, Inventory and Execution—For each sheet of 250 words or part thereof	- 5 0
3. SEQUESTRATIONS FOR RENT AND POINDINGS OF THE GROUND.		
	Same fees as for Poindings, 2 (1) to (8) (substituting sum to be secured for appraised value).	
4. EJECTIONS.		
(1)	To arranging evictions and intimation thereof	2 0 0
(2)	Carrying out Evictions.	3 0 0
(3)	Any necessary outlays including labour.	
5. SALES		
(1)	To arranging Sale drawing and procuring Warrant and lodging advertisement...	2 0 0
(2)	Attending Sale of Sequestrated or Poinded effects as Judge of the Roup	2 10 0
(3)	Preparing and lodging report of Sale	1 0 0
6. ARRESTING VESSEL		
	(*a*) Arresting Vessel on Ordinary Court Warrant	5 0 0
	(*b*) Dismantling Vessel with any necessary outlays for boat hire and for skilled artisans etc.	6 0 0
7. APPREHENSIONS		
(1)	Apprehending prisoner and lodging in prison.	5 0 0
(2)	Taking Prisoner from Prison to Court House.	3 0 0
(3)	Outlays, Taxi, maintenance and any other necessary outlays	
8. SEARCHING, and RE-POSSESSION		
(1)	Searching premises, possessing, or taking possession of article(s)	3 0 0
9. SMALL DEBT CASES.		
(1)	Serving Summons, Sist or Counterclaim by post. ... ... (Fees in terms of the Citation Amendment (Scotland) Act 1882 to be allowed in addition)	- 8 0

		Fee £	s.	d.
(2)	Serving Summons, Sist or Counterclaim by hand	–	10	0
(3)	Citing each Witness	–	10	0
(4)	Charge	–	10	0
(5)	Arrestment	–	10	0
(6)	Post copies under (1) (2) (4) and (5) where necessary	–	5	0
(7)	Post Office charges for Postage and Registration in addition in each of above when necessary.			
(8)	Poinding and Sequestration—			
	When appraised value does not exceed £5	–	15	0
	When appraised value exceeds £5 but does not exceed £10. ...	1	5	0
	When appraised value exceeds £10 but does not exceed £20 ...	1	15	0
	When appraised value exceeds £20 but does not exceed £35 ...	2	0	0
	When appraised value exceeds £35 but does not exceed £50 ...	2	10	0
	When appraised value exceeds £50	3	0	0
	On Proceeding to Poind when Diligence is not executed. ...	–	15	0
(9)	Sale and Report—			
	As in (8)			
	To arranging Sale drawing and procuring Warrant, arranging advertisement.	1	0	0
	To attending Sale but not executed	–	15	0
	Intimating Sale	–	10	0
(10)	Carrying Back			
	As in (8)			
(11)	Executing Warrant to open	–	10	0
(12)	Locksmith's fee in addition.			
(13)	Granting Certificate of Displenishment	–	5	0
(14)	Enrolling for Warrant to eject and re-let and intimating to Defender	–	10	0
(15)	Each extra copy	–	5	0
(16)	Postage in addition			
(17)	Arresting Vessel	3	0	0
(18)	Searching premises possessing or taking possession of article(s).	2	0	0

10. SUMMARY EJECTIONS

(1)	Serving Summary Ejection Complaint and return of Execution (by post)	–	8	0
(2)	Serving Summary Ejection Complaint and return of Execution (by hand)	–	10	0
(3)	Serving Intimation or re-enrolment and return of Execution ...	–	10	0
(4)	Postage in addition			
(5)	Arranging eviction and intimation thereof.	2	0	0
(6)	Ejecting each Defender	3	0	0

	Fee £ s. d.
11. TRAVELLING, DETENTION, OUTLAYS.	
For all of the foregoing items	
(1) Travelling for each mile or part thereof	
Officer	– 3 0
Witnesses and appraisers (each)	– 2 0
(2) Detention for each hour or part thereof	
Officer	1 0 0
Witnesses or appraisers (each)	– 10 0
(3) Any necessary outlays	
12. MISCELLANEOUS	
Writing necessary letters to employers, remitting money recovered, reporting state of diligence, etc	– 8 0

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) Unless by special arrangement the charges for mileage shall be calculated according to either the distance between the Court House where Warrant granted and the place of Execution or the distance between nearest Sheriff Officer's place of business within the County and the place of Execution whichever shall be the lesser (no charge for returning).

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt prescribes a new Table of Fees exigible by Sheriff Officers in civil business.

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