



**Scottish
Civil Justice
Council**

CONSULTATION RESPONSE: on implementing a simplified table of fees

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SECTION 1 - INTRODUCTION

Purpose

1. To document the policy decisions taken to simplify these regulated fees.

Background

2. The simplification of the regulated fees set for messengers at arms and sheriff officers was proposed in the 3 month [Public Consultation](#) the Council ran from June to August 2025. A summary of the positive feedback received was set out in the [Consultation Analysis](#) report published in September 2025.
3. The Council has concluded that it is appropriate to put those proposed changes into effect. Hence this paper records the rationale for the consolidation of these fee regulations which will in turn simplify the future maintenance of this charging instrument.

The policy objectives:

4. The objectives sought are:
 - *To facilitate more timely updates* – by reducing the level of legal and policy input previously required to generate an updated statutory instrument whenever a straightforward request for a fees uplift was made;
 - *To provide improved transparency* – as breaking the ‘amount charged’ into its 2 component parts (*monetary amount x units of work*) will improve the ability for consumers, the Council, and service providers to assess comparability between each line item;
 - *To better evidence the need for change* – as explicitly stating the *units of work* required will in turn help to identify services that need to be amended or withdrawn, and provide benchmarks for use when pricing new services; and
 - *To provide comparable rules* – as *unit-based charging* has been working as intended within the rules covering the recovery of judicial expenses¹.

The responses received:

5. A total of 26 consultation responses were received of which the majority were from service providers:

¹ Act of Sederunt (Taxation of Judicial Expenses Rules) 2019 ([SSI 2019/75](#))

NUMBER OF RESPONSES				
CATEGORY	RESPONDENT	Organisations	Individuals	COMBINED TOTAL
Officers of Court	SMASSO	1	-	1
	Messengers at arms & sheriff officers	4	15	19
Business	Credit Services Association	1		1
Judiciary	ACMASO	1		1
Legal Practitioners	Faculty of Advocates	1		1
	Law Society of Scotland	1		1
	Scottish Law Agents Society	1		1
Advice & Assistance	Money Advice Scotland	1		1
TOTALS		11	15	26

6. In line with the permissions given; readers of this report can view 21 of those 26 responses online via the consultation pages on the Councils website:
<https://www.scottishciviljusticecouncil.gov.uk/consultations/scjc-consultations>
7. The body of this report documents how that feedback will now be taken into account within the consolidating instrument. For completeness Annex 1 provides a record of some of the suggestions made that are not being taken forward.

SECTION 2 – THE POLICY DECISIONS TAKEN

8. The [Consultation Analysis](#) report confirmed there was strong support from both providers and consumers for the consolidation of these regulations, and adopting *unit-based charging*. The Council will now implement those proposals.

To support the implementation of unit-based charging:

9. To implement *unit-based charging* the *drafting instructions* are:

CONSOLIDATION – the 1 new consolidating instrument headed “*Fees of Messengers at Arms and Sheriff Officers*” will be prepared, including a section revoking the 2 existing sets of regulations from 2002 along with the 32 subsequent amending orders made (*refer Annex 2*).

ESTABLISHING THE REGULATORY FRAMEWORK – to adopt the new charging model a generic set of *general regulations* will be prepared to replace the 2 existing sets of *general regulations* (*refer annex 3*). Each of the new *general regulations* will be worded so that;

- The content is made generic and equally applicable to both messengers at arms and sheriff officers (*where practicable*);
- The regulations are reorganised and renumbered under logical headings;

- Reference is made to the existing and new % *surcharges* and the rates thereof as specified within this paper;
- Reference is made to the existing and new % *reductions* and the rates thereof as specified within this paper;
- Regulation 9 - is amended to reflect time being charged in 6 minute *units* and the status quo remaining for the 30 minute and 1 hour thresholds;
- Regulation 15 - is amended to reaffirm the exclusion of local authority *summary warrants* from *reductions*; and
- Appropriate legal definitions² are inserted in order to cover the key elements of the new charging model.

ESTABLISHING THE CHARGING MODEL – the consolidating instrument will reflect the use of *unit-based charging* within the sections used, the generic regulations and the fee tables. In that regard:

- For comparability with the taxation rules the definition of a *unit* is to read as:
 - “References to a “unit” are to a measure of monetary charge with a value of £6.10³”
- The previous fee amounts used for each existing line item within the 1 column that remains are to be replaced by the baseline values for the *units of work* as specified in annex 2 of this paper;
- The baseline for all % *reductions* are to be fixed in line with paragraphs 10 to 13 of this paper; and
- The baseline for all % *surcharges* are to be fixed in line with paragraph 14 of this paper.

INFLATION ADJUSTMENTS – the consolidating instrument will include an inflation uplift of 13.0% to cover the evaluation period from September 2022 to August 2025 (*refer annex 5*), and in addition the inflation forecasts for the subsequent two years at the Bank of England’s target rate of 2% per annum. To deliver that change the relevant paragraph within the *draft rules* will fix the following *monetary values*:

- Year 1 - £6.10 with effect from 01 April 2026;
- Year 2 - £6.22 with effect from 01 April 2027; and
- Year 3 - £6.35 with effect from 01 April 2028.

To standardise the use of “reductions”

Policy background

10. At a policy level the £1,500 threshold applied to a “low value” claim reflects a tipping point at which, for some potential litigants, the level of court fees and sheriff officer’s fees etc. may become disproportionate to the low claim value sought. If so it could act as a brake on an otherwise valid civil action proceeding.

² In a manner comparable to the Taxation of Judicial Expenses Rules 2019.

³ The September 2022 baseline ‘monetary value’ of £5.40 (as consulted on) with a 13.0% uplift for inflation (which reflects the CPI and CPIH indices as listed within annex 5 of this paper)

11. When financial assistance such as a *% fee reduction* is provided to mitigate such a 'barrier' in 'access to justice' it is aimed at a) a potential litigant who is deciding whether (or not) to initiate a case at all; or b) an existing litigant who is deciding whether they can afford to continue their civil action to its conclusion. Hence there is a need to differentiate between a) the "service and intimation of documents" by a court officer in live court *proceedings* and b) the *enforcement* role a court officer undertakes subsequent to the *proceedings* having been concluded.

The reductions being retained

12. Most respondents did accept that standardising on % reduction rates was appropriate. That said, some suggested reducing the standardised 33% rate (*as consulted on*) to 20%, 10% or 0%. In their view providing for a decrease in the % rate would reflect the ongoing contraction in the size of this market and the effect that has on the ability of providers to subsidise access to justice when serving or intimating documents.
13. Over just the last 5-year period there has been a 15%⁴ drop in the availability of commission holders. That evidences a fundamental contraction in the size of this market, the nature of the profession and the business models that can be used. To respond to that contraction the Council has concluded that the % rate for *reductions* will be amended to 20%:

SERVICE PROVIDED (Where a reduction in the amount of the fee has been applied)	COUNT	FEE ITEM	HISTORIC REDUCTION	SUGGESTED REDUCTION	FINALISED REDUCTION
SERVICE OR INTIMATION OF A DOCUMENT					
- personal service - each person at a different address	1	1a(i)	35.9%	33%	20%
- personal service - each additional person at that address	1	1a(ii)	38.1%	33%	20%
- postal service	1	1b	41.0%	33%	20%
- postal diligence	1	1c	39.0%	33%	20%
INHIBITIONS					
- Inhibitions - each person at a different address	1	2a(i)	35.4%	33%	20%
- Inhibitions - each additional person at that address	1	2a(ii)	35.3%	33%	20%
- Inhibitions & service - each person at a different address	1	2b(i)	35.3%	33%	20%
- Inhibitions & service - each additional person at that address	1	2b(ii)	35.3%	33%	20%

The reductions being withdrawn

14. At the tipping point where a court order is issued for enforcement (*rather than service or intimation*) the policy focus necessarily shifts to the prevention of a "denial" of access to justice for an instructing party that had been forced to go to court to enforce their civil rights. To provide 'procedural fairness' the Council has

⁴ As at 31 January 2025 there were a total of 134 commissions held, compared to 157 as at 31 August 2019

concluded that those historic *reductions* for the “enforcement” of court orders should be withdrawn:

SERVICE PROVIDED (Where a reduction in the fee had previously been applied)	COUNT	FEE ITEM	PREVIOUS REDUCTION	FINALISED REDUCTION
ATTACHMENTS				
- service notice of entry	1	4a	35.2%	WITHDRAWN
- arranging attachment - but unable to execute	1	4b	31.7%	WITHDRAWN
MONEY ATTACHMENTS				
- arranging attachment - but unable to execute	1	6a	31.7%	WITHDRAWN
AUCTIONS				
- officer & witness attending - auction doesn't proceed	1	7c	33.4%	WITHDRAWN
EJECTIONS				
- arranging ejection	1	6a	33.4%	WITHDRAWN
- arranging & executing ejection	1	8b	11.8%	WITHDRAWN
TAKING POSSESSION OF EFFECTS				
- arranging possession	1	9a	33.4%	WITHDRAWN
- arranging & executing possession	1	9b	25.9%	WITHDRAWN
ARRESTING VEHICLES, AIRCRAFT & CARGO				
- arranging to arrest	1	12a	33.4%	WITHDRAWN
- arranging & executing arrestment	1	12b	45.0%	WITHDRAWN
TOTALS	10			

Services where no reductions are to be made

15. A significant part of the court officer business model involves the *service or intimation* of the bulk *summary warrants* local authorities issue administratively. At present the reduced fees applicable under column A do not apply to that *debt collection* workload as regulation 15 stipulates the use of column B:

15. The fees payable to a sheriff officer in respect of recovery of rates, charges or taxes by summary warrant shall be calculated in accordance with the fees specified in column B of the Table of Fees.

16. In practice that means the *reductions* currently applicable in a civil action with a claim value up to £1,500 have never been applied to those administrative *debt collection* activities. The drafting issue arising is that replacing column A with a blanket 20% *reduction* could have the unintended consequence of % *reductions* being applied in error to a *summary warrant*. To avoid that outcome the wording of *general regulation 15* will continue to exclude administratively generated *summary warrants* from the % *reductions* made.

To standardise the use of “surcharges”

17. The existing instrument includes *surcharges* for out of hours working / remote rural areas / higher value actions and they are working as intended:

Existing regulation	Basis of surcharge	INDICATIVE PERCENTAGE	FINALISED RATE
2	Providing an <i>out of hours</i> service – 5pm till 10pm weekdays	33%	33%
2	Providing an <i>out of hours</i> service – overnight or on a weekend	75%	75%
3	Providing services in a <i>remote rural area</i>	30%	33%
3A	Providing services within a <i>higher value action</i> (> £100,000)	0.01%	0.01%

18. The existing instrument (*by way of a separate column*) also provides for a higher fee to be charged when a Court of Session document is being served, intimated or enacted by a messenger at arms. As a replacement for that existing column the relevant *general regulation* within the consolidated instrument will instead use % *surcharges* fixed at the following finalised rates:

Existing Fee item	Basis of surcharge – for “service or intimation of a document” by a messenger at arms	INDICATIVE RATE	FINALISED RATE
1a (i)	Each person at a different address	27.9%	25%
1a (ii)	Each additional person at that different address	11.9%	10%
1b	Postal service	9.5%	10%
1c	Postal diligence	11.0%	10%
Existing Fee item	Basis of surcharge – for “inhibition & service” by a messenger at arms	INDICATIVE RATE	FINALISED RATE
2b (i)	Each person at a different address	2.5%	2.5%
2b (ii)	Each additional person at that different address	2.4%	2.5%
Existing Fee item	Basis of surcharge – for “inhibition, service & interdict” by a messenger at arms	INDICATIVE RATE	FINALISED RATE
2c (i)	Each person at a different address	2.5%	2.5%
2c (ii)	Each additional person at that different address	2.3%	2.5%

To finalise the “units of work”

19. Annex 3 of this paper specifies the ‘*units of work*’ that will now be fixed within the consolidating instrument. The numbers used largely replicate the “*units*” as consulted on with 3 adjustments made to reflect the feedback received.

Line item 13c - Arranging a locksmith or tradesman to attend

20. When a solicitor instructs a *court officer* to serve a document on their behalf then under the *taxation rules* the Council fixed 1.25 *units of work* to cover: the selection of a suitable provider from a list; issuing an email instruction; receiving confirmation of service; and paying the account.
21. In comparison: a *court officer* arranging and instructing an available locksmith or tradesman would additionally need to directly contact several providers to confirm their availability before they could coordinate a time and date of attendance on site by a provider that can make themselves available on that day. To reflect that added complexity a figure of 3 *units of work* has now been fixed.

Line item 13f - Time

22. Under the existing fees instrument time was charged for in 30-minute units:

SERVICE'S PROVIDED – BY A SHERIFF OFFICER	LINE COUNT	FEE ITEM	INDICATIVE UNITS
MISCELLANEOUS			
- time (30 minutes with witness attending)	1	13f (i)	7
- time (30 minutes without witness attending)	1	13f (ii)	5

23. To implement *unit-based charging* the *fee narratives* for those 2 line items, and general regulation 9, will be reworded to reflect that 'time' will now be charged in 6 minute units:

SERVICE'S PROVIDED – BY A SHERIFF OFFICER	LINE COUNT	FEE ITEM	INDICATIVE UNITS	FINALISED UNITS
MISCELLANEOUS				
- time (6 minutes with witness attending)	1	13f (i)	1.4	1.4
- time (6 minutes without witness attending)	1	13f (ii)	1	1

Line item 13i (new) - Service of a document on the same day as instructed

24. Where an instructing party specifies that documents are to be urgently served on the same day as they issue their instruction it will inevitably cause a sheriff officer rework, particularly where it requires a confirmation of service to be provided in court the next day. That rework will compromise the tasks previously scheduled on behalf of other instructing parties and disrupt all other diarised work for say a 2-hour window. To provide a figure comparable to the call out fees charged by plumbers, electricians and locksmiths etc. a new line item will be added with a value of 20 *units of work*⁵ to recover the additional costs of that rework.

To adjust for inflation in advance:

25. Following commencement of the consolidating instrument the secretariat will document an appropriate 3 yearly *Fees Review Process* based on:

- *PROPORTIONATE MONITORING AND REVIEW* - so that the *monetary amount* and the *units of work* are kept under review by the Council every 3 years; based on a proportionate level of research being undertaken by both the secretariat and the SMASO fees committee; and
- *EXTERNAL FORECASTS* – so that the *monetary amounts* fixed by the Council remain current based on the target inflation rates as published by the Bank of England and / or the forecasts as published by the Office of Budget Responsibility (OBR).

⁵ as the equivalent of serving those same documents at 1 additional address under line item 1a (i)

SECTION 3 – THE NEXT STEPS

26. The Councils implementation plan assumes the commencement of these fee changes within 7 months from the August 2025 closing date of this consultation:

- SEP 2025 - 1 month to analyse responses; - **complete**
- NOV 2025 - 2 months to prepare draft rules to incorporate that feedback; – **on track**
- DEC 2025 - 1 month for consideration & approval of the draft rules by Council;
- JAN 2025 - 1 month for consideration & approval by the Court of Session; and
- APR 2025 - 3 months for user familiarisation, scrutiny by the DPLRC, and the commencement of the updated fees.

27. That indicative timetable reflects the following next steps:

- *Prepare the draft fees rules* – the Councils drafting instructions for the preparation of *draft fees rules* will be confirmed by publication of this report;
- *Finalise the draft fees rules* – once they have been drafted, the *draft fees rule* will be tabled for consideration and approval by the Council;
- *Propose the rules* – subject to the content of those *draft fees rules* being approved, the Council will propose its finalised Act of Sederunt for consideration and approval by the Court of Session;
- *Publish the rules* – subject to approval by the Court of Session, that consolidating Act of Sederunt will be laid with the Scottish Parliament and published via legislation.gov.uk; and
- *Commence the rules* – the updated table of fees will come into effect on the target commencement date fixed within that Act of Sederunt.

Secretariat to the Scottish Civil Justice Council
September 2025

BIBLIOGRAPHY

Consultations:

Public Consultation: on a simplified Table of Fees (May 2025, SCJC)

+ Business and Regulatory Impact Assessment (BRIA)

+ Equality Impact Assessment (EQIA)

<https://www.scottishciviljusticecouncil.gov.uk/consultations/scjc-consultations/simplified-table-of-fees>

Consultation Analysis: regarding a simplified Table of Fees (Sep 2025, SCJC)

https://www.scottishciviljusticecouncil.gov.uk/docs/librariesprovider4/consultations/scjc-consultations/simplified-table-of-fees/consultation-analysis---simplified-fees.pdf?sfvrsn=6126154a_1

Conventions

Hague Service Convention

<https://www.hcch.net/en/instruments/conventions/specialised-sections/service>

Legislation:

Debtors (Scotland) Act 1987

PART VI– Messengers at arms and sheriff officers (s75 to s86A)

<https://www.legislation.gov.uk/ukpga/1987/18/contents>

Debt Arrangement and Attachment (Scotland) Act 2002

PART 4 – Abolition of poindings and warrant sales (s58 to s59)

<https://www.legislation.gov.uk/asp/2002/17/contents>

Bankruptcy and Diligence etc. (Scotland) Act 2007

PART 3 – Officers of Court (s50 – s78)

<https://www.legislation.gov.uk/asp/2007/3/contents>

Diligence (Scotland) Regulations 2009

Schedule 3 - Form B - Sheriff Court certificate of execution of inhibition

<https://www.legislation.gov.uk/ssi/2009/68/contents/made>

Public Services Reform (Scotland) Act 2010

Schedule 4 – Regulation of Officers of Court – Modification of enactments

<https://www.legislation.gov.uk/asp/2010/8/contents>

Interpretation and Legislative Reform (Scotland) Act 2010

s26 – Service of Documents

<https://www.legislation.gov.uk/asp/2010/10/contents>

Courts Reform (Scotland) Act 2014

Sections 105-106 – regulation of fees

<https://www.legislation.gov.uk/asp/2014/18/contents>

Bankruptcy and Diligence (Scotland) Act 2024

Section 14 - Service of documents and arrestee's duty of disclosure:

Section 16 - Service of documents and employers' etc. duty of disclosure

<https://www.legislation.gov.uk/asp/2024/9/contents>

BIBLIOGRAPHY...continued

Existing Rules – on fees:

Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002 (13 pages)
<https://www.legislation.gov.uk/ssi/2002/566/contents/made>

Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002 (15 pages)
<https://www.legislation.gov.uk/ssi/2002/567/contents/made>

The last “amending order” enacted was the:

- Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2024 (10 pages)
<https://www.legislation.gov.uk/ssi/2024/41/contents/made>

ANNEX 1 – THE OTHER SUGGESTIONS MADE

For completeness this annex acknowledges some of the other suggestions made by respondents that are not being taken forward within the consolidating instrument:

Suggestions made – for adding a new fee

Electronic file conversion fees

The suggestion made was to add a new fee to recover the costs of printing documents for service. That is in response to instructing parties progressively increasing the *electronic transmission* of documents to officers of court which has led to a consequential shift in who incurs the printing costs. Adding a new fee to recover that cost shifting would be the wrong policy response. To support the statutory *Environmental Principles for Scotland*⁶ it is more appropriate for officers of court to pursue a reduction in their own paper consumption. In that regard there are other actions already in hand to reduce the printing costs incurred including a) SMASO liaising with the banks to implement the recent law change that support the electronic transmission of ‘*schedules of arrestment*’ and b) the draft rule change recently instructed by the Council that will withdraw the current requirement to send out postal copies immediately after the personal service of those same documents.

Service of documents under the Hague Services Convention

Annex 3 provides a history of the current fees that support the ability to charge for *incoming* documents under line item 13h (*within both schedules 1 & 2*). Several respondents had flagged the inability to charge a fee for *outgoing* documents. That ongoing gap in the charging model reflects an historic policy position taken by the *Foreign and Commonwealth Office* (FCO) to the effect that the UK State had lodged an objection to the transmission of documents by *judicial officers* under articles 10 (b) and 10 (c) of the convention. To better understand the policy reasons for that gap continuing, the Council will consult Scottish Government officials on adding an ability to charge for *outgoing* documents.

Suggestions made – for amending the baseline “units” of work

Apprehending people and uplifting children

Some respondents had noted the challenges and complexities involved, particularly when uplifting children, and offered the opinion that the “*units of work*” fixed undervalued the work involved and should be higher. To justify a change being made the Council would need to be provided with further evidence on the average time now required to deliver this service.

Attachment

The fact that the total number of these diligences has fallen considerably is confirmed by the Diligence Statistics for Scotland but that reduction in volume does not constitute a reason to change the “*units of work*” as:

- The amount of time required remains the same; and
- The contraction in market size has been adjusted for by reducing the *reductions* percentage from 33% to 20%.

⁶ Under [section 13](#) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021

ANNEX 1 – THE OTHER SUGGESTIONS MADE...continued

Auction of goods recovered

An implied reduction in the values recovered from goods sold at auction over the last 20 years is a subjective opinion but that is insufficient to justify a change in the value thresholds used. The Council would need to be provided with evidence to justify a change being made.

Ejections

Some respondents had noted the time sensitivities involved and the level of risk that needs to be managed. They offered a subjective opinion that the “*units of work*” fixed undervalued the work involved and should be higher. To justify a change being made the Council would need to be provided with evidence on the average time required to deliver this service.

Suggestions made – on subsidising access to justice

Low value claims

One respondent had suggested that the £1,500 threshold for the *reductions* applicable to a low claim should be increased to the £5,000 jurisdiction limit for simple procedure cases. That suggestion was rejected. That threshold defines (*by claim value*) the proceedings suitable for using the straightforward simple procedure, as opposed to the cases that must use the more complex ordinary cause procedure. What that figure does provide is a pragmatic way of delineating “lower value claims” from “higher value claims” for jurisdiction purposes. It does not provide a tipping point for responding to a “low value” barrier in the ability to access the justice system.

Suggestions made – seeking legislative changes

Recovering the costs of unsuccessful diligence:

Under section 93 of the Debtors (Scotland) Act 2007 an instructing party can only add the costs of a successful diligence to the debt owed by a debtor, which does then leave them out of pocket for any other speculative diligences they may have attempted. Some respondents suggested that procedural fairness would be improved if there was the ability to recover the costs of both successful and unsuccessful diligences. As that would require a change in *primary legislation* that suggestion is being passed on to Scottish Government officials.

Information Disclosure Orders

Some respondents flagged the potential for *Information Disclosure Orders* to be used to secure the disclosure of more information on the financial circumstances of a debtor; which in turn has the potential to reduce the need for an instructing party to undertake speculative diligences. As that would require a change in *secondary legislation* that suggestion is being passed on to Scottish Government officials.

ANNEX 2 – THE STATUTORY INSTRUMENTS TO BE REVOKED

Subject to the proposed change to having 1 consolidated instrument being agreed; the following tables list the statutory instruments to be revoked:

The fee regulations made (2 instruments / 28 pages)

Count	Pages	UKSI	Description
1	13	2002/566	Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002
2	15	2002/567	Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002
	28 pages		

The subsequent “amendment orders” made (32 instruments / 238 pages)

Count	Pages	UKSI / SSI	Title of the instrument & nature of the amendment made
1	8	2003/536	Act of Sederunt (Fees of Messengers-at-Arms) 2003 <ul style="list-style-type: none"> Increasing the fees payable by 3.2% with effect from 1st January 2004.
2	13	2003/538	Act of Sederunt (Fees of Sheriff Officers) 2003 <ul style="list-style-type: none"> Increasing the fees payable by 3.2% with effect from 1st January 2004.
3	13	2004/513	Act of Sederunt (Fees of Sheriff Officers) 2004 <ul style="list-style-type: none"> Increasing the fees payable by 3.7% with effect from 1st January 2005. It also amends the general regulations set out in that Schedule so as to entitle sheriff officers to payment under those regulations in respect of postage.
4	9	2004/515	Act of Sederunt (Fees of Messengers-at-Arms) 2004 <ul style="list-style-type: none"> Increasing the fees payable by 3.7% with effect from 1st January 2005. Amends the general regulations so as to entitle messengers-at-arms to payment under those regulations in respect of postage.
5	9	2005/582	Act of Sederunt (Fees of Messengers-at-Arms) 2005 <ul style="list-style-type: none"> Increasing the fees payable by 3.45% with effect from 1st January 2006.
6	12	2005/583	Act of Sederunt (Fees of Sheriff Officers) 2005 <ul style="list-style-type: none"> Increasing the fees payable by 3.45% with effect from 1st January 2006.
7	12	2006/539	Act of Sederunt (Fees of Sheriff Officers) 2006 <ul style="list-style-type: none"> Increasing the fees payable by 3.6% with effect from 1st January 2007.
8	8	2006/540	Act of Sederunt (Fees of Messengers-at-Arms) 2006 <ul style="list-style-type: none"> Increasing the fees payable by 3.6% with effect from 1st January 2007.
9	8	2007/532	Act of Sederunt (Fees of Messengers-at-Arms) 2007 <ul style="list-style-type: none"> Increasing the fees payable by 3.6% with effect from 1st January 2008.
10	14	2007/550	Act of Sederunt (Fees of Sheriff Officers) 2007 <ul style="list-style-type: none"> An increase of 3.6% on the existing fees. This increase takes effect from 14th January 2008. Preserve the existing distinction in fees payable based on whether the proceedings have a value of £1,500 or less. Without the amendments, the lower fee rates would apply to all summary causes which would mean that from 14th January 2008, they would apply to all new proceedings with a value of £5,000 or less (in consequence of the Sheriff Courts (Scotland) Act 1971 (Privative Jurisdiction and Summary Cause) Order 2007 (SSI 2007/507)).
11	3	2008/366	Act of Sederunt (Fees of Messengers-at-Arms) (EC Service Regulation) 2008 <ul style="list-style-type: none"> Makes provision for the fees payable to messengers-at-arms for service of a document under Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13th November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. Article 11(2) of that Regulation requires the setting of a single fixed fee. Recital (16) of the Preamble states that this does not prevent the fixing of different fees for different types of service.
12	11	2008/430	Act of Sederunt (Fees of Sheriff Officers) 2008 <ul style="list-style-type: none"> An increase of 4.35% on the existing fees. This increase takes effect from 26th January 2009.
13	8	2008/431	Act of Sederunt (Fees of Messengers-at-Arms) 2008 <ul style="list-style-type: none"> Increasing the fees payable by 4.35% with effect from 12th January 2009.
14	4	2009/383	Act of Sederunt (Fees of Messengers-at-Arms) (Diligence) 2009 <ul style="list-style-type: none"> Amends Schedule 1 to the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002 making provision relating to the new diligence of money attachment, which was introduced by the Bankruptcy and Diligence etc. (Scotland) Act 2007. Paragraph 2(2) inserts a new regulation 12A providing that realisation and disposal of money attached and depositing of cash and foreign currency shall be chargeable on a time basis.

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			<ul style="list-style-type: none"> Paragraph 2(3) inserts a new regulation 13A providing that the fees for money attachment specified in the Table of Fees are to be calculated according to the sum recoverable and not the value of the money attached. Paragraph 2(4) amends regulation 15 to include a reference to the Bankruptcy and Diligence etc. (Scotland) Act 2007. Paragraph 2(5) amends the Table of Fees by inserting a new item 5A into the Table of Fees setting the fees chargeable for money attachment. It also removes item 6 as sequestration for rent and poinding of the ground as a consequence of abolition of those diligences by the Bankruptcy and Diligence etc. (Scotland) Act 2007.
15	4	2009/379	<p>Act of Sederunt (Fees of Sheriff Officers) (Diligence) 2009</p> <ul style="list-style-type: none"> Paragraph 2 makes provision for the service of inhibitions, inserting a new item 1A into the Table of Fees. This does not affect the fees payable for any work carried out before the Act of Sederunt comes into force. Paragraph 3 makes provision relating to the new diligence of money attachment, which was introduced by the Bankruptcy and Diligence etc. (Scotland) Act 2007. Paragraph 3(2) amends regulation 9 to include arranging and executing a money attachment as an item in respect of which time may be charged from the end of the first hour until completion. Paragraph 3(3) inserts a new regulation 12A providing that realisation and disposal of money attached and depositing of cash and foreign currency shall be chargeable on a time basis. Paragraph 3(4) inserts a new regulation 14A providing that the fees for money attachment specified in the Table of Fees are to be calculated according to the sum recoverable and not the value of the money attached. Paragraph 3(5) amends regulation 17 to include a reference to the Bankruptcy and Diligence etc. (Scotland) Act 2007. Paragraph 3(6) amends the Table of Fees by inserting a new item 4A into the Table of Fees setting the fees chargeable for money attachment. Paragraph 4 removes item 5 (sequestration for rent and poinding of the ground) as a consequence of abolition of those diligences by the Bankruptcy and Diligence etc. (Scotland) Act 2007.
16	7	2011/47	<p>Act of Sederunt (Fees of Sheriff Officers) 2011</p> <ul style="list-style-type: none"> An increase of 3.6% on the existing fees. This increase takes effect from 1st March 2011.
17	6	2011/48	<p>Act of Sederunt (Fees of Messengers-at-Arms) 2011</p> <ul style="list-style-type: none"> Increasing the fees payable to messengers-at-arms by 3.6% with effect from 1st March 2011.
18	6	2011/431	<p>Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2011</p> <ul style="list-style-type: none"> Amends Schedule 1 to the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002. Paragraph 2(2) amends the General Regulations in relation to the fees of messengers-at-arms in remote rural areas. Paragraph 2(3) amends the General Regulations in relation to the fees of messenger-at-arms where the value of the action is over £100,000. Paragraph 2(4) amends the General Regulations in relation to the definition of a remote rural area. Paragraph 2(5) substitutes a new Table of Fees increasing the fees payable to messengers-at-arms by 3.8%. The changes only apply to work carried out on or after 23rd January 2012.
19	6	2011/432	<p>Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2011</p> <ul style="list-style-type: none"> Paragraph 2(2) amends the General Regulations in relation to the fees of sheriff officers in remote rural areas. Paragraph 2(3) amends the General Regulations in relation to the fees of sheriff officers where the value of the action is over £100,000. Paragraph 2(4) amends the General Regulations in relation to the definition of a remote rural area. Paragraph 2(5) substitutes a new Table of Fees increasing the fees payable to sheriff officers by 3.8%. The changes only apply to work carried out on or after 23rd January 2012.
20	3	2012/7	<p>Act of Sederunt (Fees of Sheriff Officers) (Amendment) 2012</p> <ul style="list-style-type: none"> Amends Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2011 as it contained some errors.
21	3	2012/8	<p>Act of Sederunt (Fees of Messengers-at-Arms) (Amendment) 2012</p> <ul style="list-style-type: none"> Amends Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2011 as it contained some errors.
22	6	2012/340	<p>Act of Sederunt (Fees of Messengers-at-Arms) (Amendment) (No. 2) 2012</p> <ul style="list-style-type: none"> Increasing the fees payable by 2.45% with effect from 28th January 2013. Also incorporates the fee payable to messengers-at-arms in respect of service of documents under EC Service Regulations (Regulation (EC) No. 1348/2000). This fee was previously contained in a separate instrument, S.S.I. 2008/366, which is revoked by this Act of Sederunt.
23	6	2012/341	<p>Act of Sederunt (Fees of Sheriff Officers) (Amendment) (No. 2) 2012</p> <ul style="list-style-type: none"> An increase of 2.45% on the existing fees. This increase takes effect from 28th January 2013.
24	6	2013/345	<p>Act of Sederunt (Fees of Sheriff Officers) 2013</p> <ul style="list-style-type: none"> An increase of 2.15% on the existing fees. This increase takes effect from 27th January 2014.

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23	6	2013/346	Act of Sederunt (Fees of Messengers-at-Arms) 2013 <ul style="list-style-type: none"> An increase of 2.15% on the existing fees. Takes effect from 27th January 2014.
26	6	2016/100	Act of Sederunt (Fees of Sheriff Officers) 2016 <ul style="list-style-type: none"> An increase of 1.3% on the existing fees. This increase takes effect from 1st April 2016.
27	6	2016/101	Act of Sederunt (Fees of Messengers-at-Arms) 2016 <ul style="list-style-type: none"> An increase of 1.3% on the existing fees. Takes effect from 1st April 2016.
28	3	2017/153	Act of Sederunt (Fees of Sheriff Officers) (Amendment) 2017 <ul style="list-style-type: none"> Amends the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002 to extend its application to simple procedure cases and appeals in the Sheriff Appeal Court.
29	9	2018/126	Act of Sederunt (Fees of Messengers-at-Arms, Sheriff Officers and Shorthand Writers) (Amendment) 2018 <ul style="list-style-type: none"> Paragraphs 4 and 5 substitute new tables of fees for Messengers-at-Arms and sheriff officers in Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002 and Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002. <i>(Those changes enabled an increase of 2.6% from 4 Jun 2018)</i>
30	3	2020/423	Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Hague Service Convention) (Amendment) 2020 <ul style="list-style-type: none"> Amends the tables of fees in schedule 1 of the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002 and schedule 1 of the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002. The amendments provide fees for messengers-at-arms and sheriff officers for the service of documents in Scotland under the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters which was concluded on 15th November 1965 (commonly referred to as the "Hague Service Convention").
31	10	2021/225	Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2021 <ul style="list-style-type: none"> An increase of 6% on the existing fees. Takes effect from 30th June 2021.
32	10	2024/21	Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2024 <ul style="list-style-type: none"> An increase of 11.9% on the existing fees. Takes effect from 2nd March 2024.
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ANNEX 3 – THE GENERAL REGULATIONS

The following table facilitates a comparison between the 2 existing sets of *General Regulations*. The “headings” shown in **bold** are inserted for illustrative purposes only – they are not part of the current Act of Sederunt:

Schedule 1 - General Regulations - for MESSENGERS AT ARMS	Schedule 1 - General Regulations - for SHERIFF OFFICERS
APPLICATION	
1. Subject to the following paragraphs, the fees payable to a messenger-at-arms shall be calculated in accordance with the Table of Fees in this Schedule and shall be payable in respect of all forms of service or intimation of a document, citation of a person or execution of diligence and all other work authorised by the court and executed by a messenger-at-arms during the normal business hours of 9.00am to 5.00pm.	1. Subject to the following paragraphs, the fees payable to a sheriff officer shall be calculated in accordance with the Table of Fees in this Schedule and shall be payable in respect of (a) all forms of service or intimation of a document, citation of a person or execution of diligence and all other work authorised by the court and (b) recovery of rates, charges or taxes by summary warrant, any of which is executed by a sheriff officer during the normal business hours of 9.00am to 5.00pm.
REDUCTIONS – FOR LOW VALUE CLAIMS	
	1A. Column A of the Table of Fees specifies the fees payable in relation to– (a) a summary cause commenced before 14th January 2008; a summary cause commenced on or after that date where the value of the claim when the cause is commenced is £1,500 or less (exclusive of interest and expenses) ; and a simple procedure case in which— (i) the value of a claim for payment of a sum of money when proceedings are commenced is £1,500 or less (exclusive of interest and expenses); or (ii) there is no claim for payment of a sum of money
	1B. A summary cause falling within paragraph (c) of section 35(1) of the Sheriff Courts (Scotland) Act 1971 (actions ad factum praestandum and actions for the recovery of possession of heritable or moveable property) falls within paragraph (b) of general regulation 1A where it contains no additional or alternative crave for decree for payment of money or where the value of such crave is £1,500 or less (exclusive of interest and expenses).
APPLICATION	
	1C. Column B of the Table of Fees specifies the fees payable in relation to– (a) proceedings in the sheriff court not falling within paragraph 1A; and (b) proceedings in the Sheriff Appeal Court.
SURCHARGE – FOR “OUT OF HOURS” SERVICE	
2. Fees in relation to service or intimation of a document, citation of a person or diligence which, of necessity, is executed outwith normal business hours shall be surcharged by the levying of an additional fee of–	2. Fees in relation to service or intimation of a document, citation of a person or diligence which, of necessity, is executed outwith normal business hours shall be surcharged by the levying of an additional fee of–

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(a) 33 per cent of the fee specified in the Table of Fees, where it is executed on a week day between the hours of 5.00pm and 10.00pm; and (b) 75 per cent of the fee specified in the Table of Fees, where it is executed on a week day after 10.00pm or before 9.00am or on a Saturday, Sunday or a public holiday	(a) 33 per cent of the fee specified in the Table of Fees, where it is executed on a week day between the hours of 5.00pm and 10.00pm; and (b) 75 per cent of the fee specified in the Table of Fees, where it is executed on a week day after 10.00pm or before 9.00am or on a Saturday, Sunday or a public holiday.
SURCHARGE – FOR TRAVEL TO REMOTE RURAL AREAS	
3. Where the service or intimation of a document or inhibition is executed in a remote rural area the fees specified in the Table of Fees at Item 1(a)(i), 2(a)(i) and 2(b)(i) shall be surcharged by the levying of an additional fee of 30 per cent of the fee specified in the Table of Fees	3. Where the service or intimation of a document or inhibition is executed in a remote rural area the fees specified in the Table of Fees at Item 1(a)(i), 2(a)(i) and 2(b)(i) shall be surcharged by the levying of an additional fee of 30 per cent of the fee specified in the Table of Fees
SURCHARGE – FOR HIGH VALUE CLAIMS	
3A. Where the value of an action is over £100,000 the fees specified in the Table of Fees at Item 1(a), 2, 3(b), 3(c) and 12 shall be surcharged by the levying of an additional fee of 0.01 percent of the value of the action	3A. Where the value of an action is over £100,000 the fees specified in the Table of Fees at Item 1(a), 2, 3(b) and 12 shall be surcharged by the levying of an additional fee of 0.01 percent of the value of the action.
ADDITIONAL FEES	
4. An additional fee may be negotiated between the messenger-at-arms and the instructing agent by prior agreement in the following circumstances: (a) where the messenger-at-arms is standing by awaiting the delivery or uplifting of a document for immediate service; (b) where the messenger-at-arms has to instruct an huissier or other officer of court outwith Scotland to serve a document; or (c) where there is no prescribed fee and the importance, urgency and value of the work involved necessitates an additional fee	4. An additional fee may be negotiated between a sheriff officer and the instructing agent by prior agreement in the following circumstances– (a) where the sheriff officer is standing by awaiting the delivery or uplifting of a document for immediate service; (b) where the sheriff officer has to instruct an huissier or other officer of court outwith Scotland to serve a document; or (c) where there is no prescribed fee and the importance, urgency and value of the work involved necessitates an additional fee.
OUTLAYS	
5. All reasonable outlays, including postage and any recorded delivery costs in respect of items 1(b) and 1(c) in the Table of Fees, necessarily incurred by a messenger-at-arms in carrying out lawful instructions shall be charged in addition to a fee specified in the Table of Fees.	5. All reasonable outlays, including postage and any recorded delivery costs 1 in respect of items 1(b) and 1(c) in the Table of Fees, necessarily incurred by a sheriff officer in carrying out lawful instructions shall be charged in addition to a fee specified in the Table of Fees in this schedule.
FEE NOTES	
6. Every fee note rendered by a messenger-at-arms shall be so detailed that the fees charged by him may be easily checked against the Table of Fees; and any fees agreed under paragraph 4 above and any allowable outlays shall be clearly narrated as such. The fee note shall be reviewed by the messenger-at-arms to ensure that it is fair and reasonable in the circumstances and shall be adjusted by him if necessary.	6. Every fee note rendered by a sheriff officer shall be so detailed that the fees charged by him may be easily checked against the Table of Fees; and any fees agreed under paragraph 4 above and any allowable outlays shall be clearly narrated as such. The fee note shall be reviewed by the sheriff officer to ensure that it is fair and reasonable in the circumstances and shall be adjusted by him if necessary.
DISCOUNTING	
7. Discounting of fees is permitted only between messengers-at-arms.	7. Discounting of fees is permitted only between sheriff officers.

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8. Any restriction or modification made by a messenger-at-arms of fees recoverable from a person shall be passed on to that person only.	8. Any restriction or modification made by a sheriff officer of fees recoverable from a person shall be passed on to that person only.
TIME CHARGED	
9. Time shall be charged in units of 30 minutes or part thereof; and, except in relation to time under paragraph 10, 11 or 12 below– (a) time shall apply from the end of the first hour at the place of execution until completion; or (b) time shall apply after the messengers-at-arms has travelled a distance of 30 miles from his place of business until he returns to a distance of 30 miles from that place.	9. Time will be charged in units of 30 minutes or part thereof; and, in respect of the following items in the Table of Fees, shall apply from the end of the first hour at the place of execution until completion: 3, 6(b), 7(c) and (d), 8(b), 9(b), 10(b), 11(b), 12(b)
USE OF A FERRY	
10. Where a messenger-at-arms has to use a ferry, he and any witness shall be allowed the necessary cost of the ferry, all reasonable subsistence and the time for boarding, crossing and returning, which shall be charged on a time basis.	10. Where a sheriff officer has to use a ferry, he and any witness shall be allowed the necessary cost of the ferry, all reasonable subsistence and the time for boarding, crossing and returning, which shall be charged on a time basis.
OTHER CHARGES FOR TIME	
11. Where a messenger-at-arms is required to attend before a notary public, commissioner or other person or as a witness, a fee for such attendance by the messenger-at-arms and any witness shall be chargeable on a time basis	11. Where a sheriff officer is required to attend before a notary public, commissioner or other person or as a witness, a fee for such attendance by the sheriff officer and any other witness shall be chargeable on a time basis.
12. Where enquiries are necessary in order to execute service, intimation, citation, diligence or any other work authorised by the court, a fee for such enquiries shall be chargeable on a time basis.	12. Where enquiries are necessary in order to execute service, intimation, citation, diligence or any other work authorised by the court, a fee for such enquiries shall be chargeable on a time basis.
12A. Where, in relation to a money attachment, a messenger-at-arms is required to realise the value of the money attached and dispose of same under section 184 of the Act of 2007 and deposit cash and SSI 2002/566 Page 7 proceeds of foreign currency (including conversion of foreign currency) the fee for such work shall be chargeable on a time basis.	12A. Where, in relation to a money attachment, a sheriff officer is required to realise the value of the money attached and dispose of same under section 184 of the Act of 2007 and deposit cash and proceeds of foreign currency (including conversion of foreign currency) the fee for such work shall be chargeable on a time basis.
REDUCTION – FOR MORE THAN ONE VISIT	
	13. Where personal service is to be carried out under item 1(a)(i) in the Table of Fees and more than one visit is required, each additional visit shall be charged at 50 per cent of the fee specified in that item.
APPRAISED VALUE	
13. (1) Where, in an attachment, the appraised value of an article exceeds the sum recoverable, the fee specified in the Table of Fees shall be calculated in accordance with the sum recoverable and not the appraised value. (2) Where, in an attachment, a debtor or other occupier of the premises claims that goods are subject to a hire purchase, agreement or are otherwise the property of someone other than the debtor, but refuses, or is unable, to produce evidence to that effect,	14. (1) Where, in an attachment, the appraised value of an article exceeds the sum recoverable, the fee specified in the Table of Fees in this schedule shall be calculated in accordance with the sum recoverable and not the appraised value. (2) Where, in an attachment, a debtor or other occupier of the premises claims that goods are subject to a hire purchase agreement or are otherwise the property of someone other than the debtor, but refuses or is unable to produce evidence to

the messenger-at-arms may attach the goods and shall add a note on the schedule of the attachment stating that the debtor has claimed that the goods are subject to a hire purchase agreement or are otherwise the property of someone other than the debtor, as the case may be.	that effect, the sheriff officer may attach the goods and shall add a note on the schedule of the attachment stating that the debtor has claimed that goods are subject to a hire purchase agreement or are otherwise the property of someone other than the debtor, as the case may be.
<p>13A.—</p> <p>(1) Where, in a money attachment, the value of the money exceeds the sum recoverable, the fee specified in the Table of Fees shall be calculated in accordance with the sum recoverable and not the value.</p> <p>(2) Where, in a money attachment, a debtor or other occupier of the premises claims that money is the property of someone other than the debtor but refuses, or is unable to produce evidence to that effect, the messenger-at-arms may attach the money and shall add a note on the schedule of the attachment stating that the debtor claims that the money is the property of someone other than the debtor.</p>	<p>14A.—</p> <p>(1) Where, in a money attachment, the value of the money exceeds the sum recoverable, the fee specified in the Table of Fees shall be calculated in accordance with the sum recoverable and not the value.</p> <p>(2) Where, in a money attachment, a debtor or other occupier of the premises claims that money is the property of someone other than the debtor but refuses, or is unable to produce evidence to that effect, the sheriff officer may attach the money and shall add a note on the schedule of the attachment stating that the debtor claims that the money is the property of someone other than the debtor.</p>
SUMMARY WARRANTS	
	15. The fees payable to a sheriff officer in respect of recovery of rates, charges or taxes by summary warrant shall be calculated in accordance with the fees specified column B of the Table of Fees.
LIABILITY FOR VAT	
14. A messenger-at-arms supplying services to any person in respect of which fees are payable to him under this Schedule shall— (a) if he is a taxable person within the meaning of the Value Added Tax Act 1983; and (b) if the supply is a taxable supply within the meaning of that Act, makes the charges to that person in addition to the charges in respect of that fee, being such additional charges as amounts to the value added tax payable under that Act in respect of the supply of those services.	16. A sheriff officer supplying services to any other person in respect of which fees are payable to him under this Schedule shall— (a) if he is a taxable person within the meaning of the Value Added Tax Act 1983; and (b) if the supply is a taxable supply within the meaning of that Act, make charges to that person in addition to the charges in respect of that fee, being such additional charge as amounts to the value-added tax payable under the Act in respect of the supply of those services.
INTERPRETATION	
<p>15. In this Schedule, unless the context otherwise requires—</p> <p>“the Act of 1987” means the Debtors (Scotland) Act 1987 (c.18);</p> <p>“the Act of 2002” -means the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17);</p> <p>“the Act of 2007” means the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3);</p> <p>“apprehension” means apprehending, detaining and taking to and from court or prison;</p> <p>“arranging” means accepting instructions, checking for competency, reserving time, advising instructing agent,</p>	<p>17. In this Schedule, unless the context otherwise requires—</p> <p>“the Act of 1987” means the Debtors (Scotland) Act 1987 (c.18);</p> <p>“the Act of 2002” means the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17);</p> <p>“the Act of 2007” means the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3):</p> <p>“apprehension” means apprehending, detaining and taking to and from court or prison;</p> <p>“arranging” means accepting instructions, checking for competency, reserving time, advising instructing agent,</p>

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<p>making all necessary arrangements, intimation and service (where necessary) prior to execution;</p> <p>“possession” means searching, taking possession and delivery;</p> <p>“postal diligence” means service of any diligence, which may be served by post, by registered post or the first class recorded delivery service;</p> <p>“postal service” means service or intimation by registered post or the first class recorded delivery service;</p> <p>“remote rural area” means an area classified as such in the Scottish Government's Urban/Rural Classification 2009-2010;</p> <p>“service” means service or intimation of any document under a rule of court or an order of the court and includes accepting instructions, preparation, postage and service or intimation of any ancillary form or other ancillary document.</p>	<p>making all necessary arrangements, intimation and service (where necessary) prior to execution;</p> <p>“possession” means searching, taking possession and delivery;</p> <p>“postal diligence” means service of any diligence, which may be served by post, by registered post or the first class recorded delivery service;</p> <p>“postal service” means service or intimation by registered post or the first class recorded delivery service;</p> <p>“remote rural area” means an area classified as such in the Scottish Government's Urban/Rural Classification 2009-2010;</p> <p>“service” means service or intimation of any document under a rule of court or an order of the court and includes accepting instructions, preparation, postage and service or intimation of any ancillary form or other ancillary document;</p> <p>“simple procedure case” has the meaning given by section 72(9) of the Courts Reform (Scotland) Act 2014.</p>
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ANNEX 4 – THE FINALISED “UNITS OF WORK”

The following tables convey abbreviated *fee narratives* for illustrative purposes only. The consolidated instrument will show the full *fee narratives* for each line item as carried forward from the existing Act of Sederunt.

SERVICE'S PROVIDED - BY A SHERIFF OFFICER	LINE COUNT	FEE ITEM	INDICATIVE UNITS	FINALISED UNITS
SERVICE OR INTIMATION OF A DOCUMENT				
- each person at a different address	1	1a (i)	18	18
- each additional person at that address	1	1a (ii)	4	4
- postal service	1	1b	6	6
- postal diligence	1	1c	9	9
INHIBITIONS				
- Inhibitions - each person at a different address	1	2a (i)	23	23
- Inhibitions - each additional person at that address	1	2a (ii)	7	7
- Inhibition & service - each person at a different address	1	2b (i)	27	27
- Inhibition & service - each additional person at that address	1	2b (ii)	12	12
- Inhibitions, service & interdict - each person at a different address	1	2c (i)	44	44
- Inhibitions, service & interdict - each additional person at that address	1	2c(ii)	19	19
INTERDICTS				
- interdict only - each person at a different address	1	3a (i)	33	33
- interdict only - each additional person at that address	1	3a (ii)	7	7
- interdict & service - each person at a different address	1	3b (i)	37	37
- interdict & service - each additional person at that address	1	3b (ii)	11	11
- interdict, service & inhibition - each person at a different address	1	-		
- interdict, service & inhibition - each additional person at that address	1	-		
Definitions: 1. <i>Indicative units</i> - means the implied “units of work” (the existing fixed prices divided by the baseline monetary amount of £5.40) 2. <i>Finalised units</i> - means the indicative units as amended (as a change has been made in response to the consultation feedback) 3. <i>Inhibition</i> - means a debtor is prohibited from burdening his heritable property or parting with it, or part of it, to the detriment of a creditor 4. <i>Interdict</i> —means a judicial prohibition or court order preventing someone from doing something.				

ANNEX 4 – THE FINALISED “UNITS OF WORK” ...continued

SERVICE's PROVIDED - BY A SHERIFF OFFICER	LINE COUNT	FEE ITEM	INDICATIVE UNITS	FINALISED UNITS
ATTACHMENTS				
- service notice of entry	1	4a	3	3
- arranging attachment - but unable to execute	1	4b	19	19
- arranging & executing attachment - value of £708 or less	1	4c (i)	22	22
- arranging & executing attachment - value of £708 to £2,845	1	4c (ii)	34	34
- arranging & executing attachment - value of £2,845 to £28,648	1	4c (iii)	-	-
- arranging & executing attachment - value of £28,649 to £143,231	1	4c (iv)	-	-
- arranging & executing attachment - value over £143,232	1	4c (v)	-	-
- reporting attachment	1	4d	2	2
ATTACHMENT OF MOTOR VEHICLES etc.				
- arranging & executing attachment - value of £708 or less	1	5a (i)	22	22
- arranging & executing attachment - value of £708 to £3,147	1	5a (ii)	34	34
- arranging & executing attachment - value of £3,148 to £143,231	1	5a (iii)	-	-
- arranging & executing attachment - value over £143,232	1	5a (iv)	-	-
- reporting attachment	1	5b	2	2
MONEY ATTACHMENTS				
- arranging attachment - but unable to execute	1	6a	19	19
- arranging & executing attachment - value of £708 or less	1	6b (i)	22	22
- arranging & executing attachment - value of £708 to £2,845	1	6b (ii)	34	34
- arranging & executing attachment - value of £2,845 to £28,648	1	6b (iii)	-	-
- arranging & executing attachment - value of £28,649 to £143,231	1	6b (iv)	-	-
- arranging & executing attachment - value over £143,232	1	6b (v)	-	-
- reporting attachment	1	6c	2	2
Notes: 1. The "Indicative units" are the implied "units of work" (the existing fixed prices divided by the baseline monetary amount of £5.40) 2. The "Finalised units" remain the same except were an amendment was justified (in response to the consultation feedback)				

SERVICE's PROVIDED – BY A SHERIFF OFFICER	LINE COUNT	FEE ITEM	INDICATIVE UNITS	FINALISED UNITS
AUCTIONS				
- arranging auction	1	7a	5	5
- intimating auction & removal details	1	7b	refer above	refer above
- officer & witness attending - auction does proceed	1	7c	18	18
- officer & witness attending - auction doesn't proceed	1	7d	33	33
Notes: 1. The "Indicative units" are the implied "units of work" (the existing fixed prices divided by the baseline monetary amount of £5.40) 2. The "Finalised units" remain the same except were an amendment was justified (in response to the consultation feedback)				

ANNEX 4 – THE FINALISED “UNITS OF WORK” ...continued

SERVICE'S PROVIDED – BY A SHERIFF OFFICER	LINE COUNT	FEE ITEM	INDICATIVE UNITS	FINALISED UNITS
EJECTIONS				
- arranging ejection	1	8a	18	18
- arranging & executing ejection	1	8b	28	28
TAKING POSSESSION OF EFFECTS				
- arranging possession	1	9a	18	18
- arranging & executing possession	1	9b	33	33
APPREHENSIONS				
- arranging apprehension	1	10a	18	18
- arranging and apprehending	1	10b	33	33
UPLIFTING CHILDREN				
- arranging uplift	1	11a	18	18
- uplifting each child	1	11b	33	33
ARRESTING VEHICLES, AIRCRAFT & CARGO				
- arranging to arrest	1	12a	18	18
- arranging & executing arrestment	1	12b	55	55
MISCELLANEOUS				
- making a report	1	13a	4	4
- granting a receipt	1	13b	2	2
- arranging locksmith or tradesperson to attend	1	13c	1	3
- granting a certificate	1	13d	4	4
- executing a warrant to open lockfast places	1	13e	4	4
- time (6 minutes with witness attending)	1	13f (i)	1.4	1.4
- time (6 minutes without witness attending)	1	13f (ii)	1	1
- photocopies - first page	1	13g (i)	=	=
- photocopies - each subsequent page	1	13g (ii)	-	-
- service of a document in Scotland - under Hague Convention	1	13h	31	31
NEW – service of a document on the same day as instructed	1	13i	-	20
Notes: 1. The “Indicative units” are the implied “units of work” (the existing fixed prices divided by the baseline monetary amount of £5.40) 2. The “Finalised units” remain the same except where an amendment was justified (in response to the consultation feedback)				

ANNEX 5 – THE FEES CHARGED UNDER THE HAGUE SERVICE CONVENTION

What does the convention require?

The service of *incoming* overseas court documents, and the comparable transmission of *outgoing* court documents for service overseas, is facilitated by the 1965 Hague Convention. Regulation 11 of that convention mandates:

- *The setting of one fee* - which each signatory State can split into its component parts, to reflect the differential in costs when asked to provide *personal service* or *postal service*;
- *Meeting the “non-discrimination” principle* – which means there is a prohibition on each state setting different fees to reflect the vagaries of effecting the service of court documents within other jurisdictions; and
- *Meeting the “proportionality” principle* – which mandates the fixing of one single fee at a level considered reasonable and proportionate for the *service* of an *incoming* document. To act as a check on the reasonableness of the fee level set for *incoming* documents; that same figure is to be used (*by the Contracting Authority*) for *outgoing* documents

How does the process work?

The convention provides for receiving and transmitting agencies to be designated within each member state to receive all incoming requests and send all outgoing requests. The way that is intended to work can be summarised as follows:

- **TRANSMISSION** - the designated authority or judicial officer competent under the law of the Requesting State (*where the document originates*) transmits the document to be served to the Central Authority of the Requested State (*where service is to occur*).
- **RECEIPT** - the Central Authority of the Requested State will execute that request for service itself or otherwise cause it to be executed by way of one of the permitted methods under the convention:
 - Consular or diplomatic channels (direct and indirect) (*Arts. 8(1) and 9*);
 - Postal channels (*Art. 10(a)*);
 - Direct communication between **judicial officers**, officials or other competent persons of the State of origin and the State of destination (*Art. 10(b)*); and
 - Direct communication between an interested party⁷ and the judicial officers, officials or other competent persons of the State of destination (*Art. 10(c)*).

Messengers at arms and sheriff officers do fall within the term **judicial officers** under the convention and both roles hold the *virie's* to facilitate the *service* of court documents by virtue of the *Messengers-at-Arms and Sheriff Officers Rules 1991*:

- *Rule 14(1) (c) – which states that “an officer of court” may, amongst other functions, “execute a citation or serve any document required under any legal process in any place in respect of which he holds a commission as an officer of court”*

⁷ Interested parties (or their agents) are not permitted to directly serve the addressee (other than by way of postal channels per *Art. 10(a)*).

What fees are charged for ‘service’ of an *incoming* document?

2018

With effect from 27 May 2021 the chargeable fees were:

Messengers at arms	Column A	Column B
13. <i>Miscellaneous</i> ... 13 (h) - Service of a document in Scotland under Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13th November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No. 1348/2000—		-
13h (i) - where service is effected by a method mentioned in rule 16.1(1)(a)(i), (ii), (iii) or (b)(i) of the Rules of the Court of Session 1994 (<i>methods and manner of service on a person</i>)		142.51
13h (ii) - where service is effected by a method mentioned in rule 16.1(1)(a)(iv) or (b)(ii) of the Rules of the Court of Session 1994 (<i>postal service</i>)		45.40
Source – Schedule 1 of the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2018 (SSI 2018/126)		

2020

To support the UK's withdrawal from the EU (*Brexit*) the fee narrative covering line item 13h in schedule 1 was updated so that it signposted the convention itself; rather than the EU regulation that was to be revoked. The amounts charged (£142.51 & £45.40) were kept at the level fixed in 2018:

Messengers at arms	Column A	Column B
13. <i>Miscellaneous fees</i> ... 13 (h) - Service of a document in Scotland under either the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters concluded on 15th November 1965 (commonly referred to as the “Hague Service Convention”) or Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13th November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No. 1348/2000—		-
13 h (i) - where service is effected by a method mentioned in rule 16.1(1)(a)(i), (ii), (iii) or (b)(i) of the Rules of the Court of Session 1994 (<i>methods and manner of service on a person</i>)		142.51
13h (ii) - where service is effected by a method mentioned in rule 16.1(1)(a)(iv) or (b)(ii) of the Rules of the Court of Session 1994 (<i>postal service</i>)		45.40
Source – section 2 of the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Hague Service Convention)(Amendment) 2020 (SSI 2020/423)		

If the Contracting Authority did forward on an incoming document for service in Scotland the under the EU regulation only a messenger at arms could undertake the ‘service’ of that document. As the fees instrument was now linking back to the convention itself the Scottish Government reviewed the process used and concluded that (*under article 10b*) it was appropriate for the *Central Authority for the UK* to now have the option of sending incoming documents to a sheriff officer as well. Hence the insertion of line item 13h into schedule 2 enable a sheriff officer to legally charge if asked to provide that service (*at the same rate⁸ as specified in schedule 1*):

⁸ Which is consistent with the “single fee” requirement under the convention

Consultation Response – on implementing a simplified table of fees

Sheriff officers	Column A	Column B
13. Miscellaneous fees ... 13h - Service of a document in Scotland under the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters concluded on 15th November 1965 (commonly referred to as the “Hague Service Convention”) where service is effected by a method mentioned in rule 5.4(1), (3), (4) or (5) of the Ordinary Cause Rules 1993 (service within Scotland by sheriff officer) or rule 5.5 of the Act of Sederunt (Sheriff Appeal Court Rules) 2015 (methods of intimation: by sheriff officer)	142.51	142.51
Notes: 1. Source - section 3 of the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Hague Service Convention)(Amendment) 2020 (SSI 2020/423) 2. The “personal service” of court documents is covered - by the reference to OCR rule 5.4 (Service within Scotland by sheriff officer) 3. No “postal service” fee was required – as Central Authority for the UK can provide the “postal service” itself.		

2021

With effect from 27 May 2021 the charges made were:

Messengers at arms	Column A	Column B
13. Miscellaneous fees ... 13h - Service of a document in Scotland under either the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters concluded on 15th November 1965 (commonly referred to as the “Hague Service Convention”) or Regulation (EC) No. 1393/2007 of the European Parliament and of the Council of 13th November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000—		-
13h (i) - where service is effected by a method mentioned in rule 16.1(1)(a)(i), (ii), (iii) or (b)(i) of the Rules of the Court of Session 1994 (<i>methods and manner of service on a person</i>)		151.06
13h (ii) - where service is effected by a method mentioned in rule 16.1(1)(a)(iv) or (b)(ii) of the Rules of the Court of Session 1994 (<i>postal service</i>)		48.12
Source – Schedule 1 of the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2021 (SSI 2021/225)		

Sheriff Officers	Column A	Column B
13. Miscellaneous fees ... 13h - Service of a document in Scotland under the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters concluded on 15th November 1965 (commonly referred to as the “Hague Service Convention”) where service is effected by a method mentioned in rule 5.4(1), (3), (4) or (5) of the Ordinary Cause Rules 1993 (service within Scotland by sheriff officer)(3) or rule 5.5 of the Act of Sederunt (Sheriff Appeal Court Rules) 2021 (methods of intimation: by sheriff officer)(4)	£151.05	£151.05
Source – Schedule 2 of the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2021 (SSI 2021/225)		

2024

With effect from 7 Feb 2024 the charges made have been:

Messengers at arms	Column A	Column B
13. Miscellaneous fees ... 13h - Service of a document in Scotland under the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters concluded on 15th November 1965 (commonly referred to as the "Hague Service Convention")—		-
13h (i) - where service is effected by a method mentioned in rule 16.1(1)(a)(i), (ii), (iii) or (b)(i) of the Rules of the Court of Session 1994 (<i>methods and manner of service on a person</i>)		169.04
13 (ii) - where service is effected by a method mentioned in rule 16.1(1)(a)(iv) or (b)(ii) of the Rules of the Court of Session 1994 (<i>postal service</i>)		53.85
Source – Schedule 1 of the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2024 (SSI 2024/41)		

Sheriff Officers	Column A	Column B
13. Miscellaneous fees ... 13h - Service of a document in Scotland under the Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters concluded on 15th November 1965 (commonly referred to as the "Hague Service Convention") where service is effected by a method mentioned in rule 5.4(1), (3), (4) or (5) of the Ordinary Cause Rules 1993 (service within Scotland by sheriff officer)(3) or rule 5.5 of the Act of Sederunt (Sheriff Appeal Court Rules) 2021 (methods of intimation: by sheriff officer)(4)	£169.02	£169.02
Source – Schedule 2 of the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2024 (SSI 2024/41)		

ANNEX 6 – INFLATION INDICES

The previous fees uplift ([SSI 2024/21](#)) took effect from March 2024, with that % increase covering an evaluation period up to September 2022. The consolidating instrument will adjust for the rate of inflation in the subsequent 35 month evaluation period to August 2025. For that year 3 period the published indices were:

Year	Month	CPI INDEX	CPIH INDEX
2022	Oct	126.2	124.3
	Nov	126.7	124.8
	Dec	127.2	125.3
2023	Jan	126.4	124.8
	Feb	127.9	126.0
	Mar	128.9	126.8
	Apr	130.4	128.3
	May	131.3	129.1
	Jun	131.5	129.4
	Jul	130.9	129.0
	Aug	131.3	129.4
	Sep	132.0	130.1
	Oct	132.0	130.2
	Nov	131.7	130.0
	Dec	132.2	130.5
2024	Jan	131.5	130.0
	Feb	132.3	130.8
	Mar	133.0	131.6
	Apr	133.5	132.2
	May	133.9	132.7
	Jun	134.1	133.0
	Jul	133.8	132.9
	Aug	134.3	133.4
	Sep	134.2	133.5
	Oct	135.0	134.3
	Nov	135.1	134.6
	Dec	136.6	135.1
2025	Jan	135.4	135.1
	Feb	136.0	135.6
	Mar	136.5	136.1
	Apr	138.2	137.7
	May	138.4	138.0
	Jun	138.9	138.4
	Jul	139.0	138.5
	Aug	139.3	138.9

These indices for CPIH and CPI are publicly available via the Office for National Statistics (ONS) at:
<https://www.ons.gov.uk/economy/inflationandpriceindices/timeseries/d7bt/mm23>
<https://www.ons.gov.uk/economy/inflationandpriceindices/timeseries/l522/mm23>

The % movement in those two indices over that 3 year period was:

Year	Month	CPI INDEX	CPIH INDEX
2022	Sep	123.8	122.3
2025	Aug	139.3	138.9
Multiplier		1.125	1.135
% change		12.5%	13.5%