



**Scottish
Civil Justice
Council**

**PUBLIC CONSULTATION: on a simplified
table of fees (*for officers of court*)**

28 May 2025

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• <i>Equalities Impact Assessment (EQIA)</i>	
• <i>Respondent Information Form</i>	

SECTION 1: RESPONDING TO THIS CONSULTATION

1. One of the statutory functions of this Council is to regulate the statutory fees that can be charged by officers of court. To fulfil that role this paper proposes the adoption of ‘unit based charging’ as a proven methodology that can simplify the process used for keeping those regulated fees under review.
2. Feedback is sought from individual officers of court, firms in that market, the judiciary, the legal profession, court officials, and all those with a general interest in the services provided. This consultation will be open for a twelve week period.
3. Written responses are invited **by Friday the 22 August 2025**.
4. To respond please email scjc@scotcourts.gov.uk with your response, along with a completed **Respondent Information Form**.

What type of consultation is intended?

5. This is a ‘technical consultation’ on a drafting option that lawyers can use when preparing the content of these statutory charging instruments in future.

Who are we consulting with?

6. The Council would welcome feedback from:

Advice and Assistance:

Citizens Advice Scotland

Consumer Scotland

Any other third sector organisations that provide advice on the services provided by officers of court.

General Public:

Those who have experience in instructing *officers of court*, or have otherwise interacted with the services provided.

Judiciary:

Senators of the College of Justice

Sheriffs Principal

Sheriffs and Summary Sheriffs Association

Lord Lyon King of Arms

Legal Practitioners:

Faculty of Advocates

Law Society of Scotland

Officials:

Scottish Courts and Tribunals Service
Scottish Legal Aid Board

Service Providers

Individual messengers at arms and sheriff officers.

The Society of Messengers at Arms and Sheriff Officers (*SMASO*)

The Advisory Council for Messengers at Arms and Sheriff Officers (*ACMASO*)

7. To support the interests of Scottish Ministers, the Council has provided a copy of this consultation to officials within the Scottish Government.

How your response will be handled?

8. Your response will be handled in line with the information you provide within your Respondent Information Form. If you are content for your response to be published it will be uploaded to the SCJC website. If you do not want it published the Council will regard it as confidential and treat it accordingly.
9. All respondents should be aware that the Council is subject to the provisions of the Freedom of Information (Scotland) Act 2002. If a Freedom of Information (FOI) request is received about the responses to this consultation, any of those responses (including those not published) may need to be made available in order to respond to that FOI request.

Comments and complaints

10. If you wish to provide any feedback on this consultation, or how it is being conducted, then please email scjc@scotcourts.gov.uk.

SECTION 2: THE BACKGROUND

11. “Officers of court” is a collective term commonly used to cover the statutory roles performed by both messengers-at-arms and sheriff officers. As the name implies: those roles are subject to a degree of judicial supervision and the Scottish Parliament does consider it appropriate to regulate the fees charged.
12. That function of regulating the fees charged has been assigned to this Council under the statutory powers set out in Annex 1. In practice that function is fulfilled by preparing and submitting ‘draft fee rules’ for consideration, approval and enactment by the Court of Session.

The nature of the services provided

13. An officer of court has responsibility for the delivery of court documents on behalf of the court (*or a party to court proceedings*) as well as enforcing certain orders issued by the courts. For the purposes of determining the regulated fees the 13 service categories used are:

Delivering court documents:

1 SERVICE OR INTIMATION OF A DOCUMENT

Enforcing court orders:

2 INHIBITIONS
3 INTERDICTS
4 ATTACHMENTS
5 ATTACHMENT OF MOTOR VEHICLES *etc.*
6 MONEY ATTACHMENTS
7 AUCTIONS
8 EJECTIONS
9 TAKING POSSESSION OF EFFECTS
10 APPREHENSIONS
11 UPLIFTING CHILDREN
12 ARRESTING VEHICLES, AIRCRAFT & CARGO
13 MISCELLANEOUS

The scale of the market

14. Across Scotland there are 23 firms currently authorised to provide services as officers of court, through a total of 134 commissioned officers. Of those: 63 people hold a commission as a sheriff officer, with a further 71 holding commissions as both a sheriff officer and messenger at arms (*refer Annex 2*). In addition to the services they provide on behalf of the court, some commission holders may undertake extra-judicial activities¹ for remuneration such as debt collection or private investigations.

15. Those 23 firms provide their services from 43 offices across 18 different geographic locations: Aberdeen, Airdrie, Dumfries, Dunbar, Dundee, Edinburgh, Falkirk, Galashiels, Glasgow, Greenock, Hamilton, Inverness, Kilmarnock, Kirkcaldy, Livingston, Motherwell, Paisley and Stirling (*refer Annex 3*).

The need to adjust for Inflation

16. The Council uses ‘indexation’ to ensure the level of regulated fees achieves the right balance between the level of fees considered affordable for most paying parties, compared to the level of fees needed² to maintain a reasonable number

¹ Under section 75 (1) (f) of the Debtors (Scotland) Act 1987

² The steps firms take to improve their efficiency can help offset the negative impacts of inflation.

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of viable service providers in that market. Maintaining that balance requires a comparison to be made between the regulated fees set by the Council, the inflation indices published by the Office of National Statistics (ONS) and the inflation forecasts provided by the Office of Budget responsibility (OBR).

17. The previous fees uplift ([SSI 2024/21](#)) took effect from March 2024, with that % increase covering an evaluation period up to September 2022. The next statutory instrument will adjust for inflation over at least the subsequent 30 month evaluation period to March 2025. For that 2 ½ years the relevant 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

*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>*

18. At present the Council considers an uplift of at least 10.8% to be reasonable given the movement in those two indices over that 2 ½ years:

Year	Month	CPI INDEX	CPIH INDEX
2022	Sep	123.8	122.3
2025	Mar	136.5	136.1
<i>Multiplier</i>		<i>1.103</i>	<i>1.113</i>
<i>% change</i>		<i>10.3%</i>	<i>11.3%</i>

19. The Council notes that 10.8% uplift would be comparable to the 8.5%³ uplift made by the Scottish Government for devolved social security assistance over the shorter 2 year period ending September 2024.

SECTION 3: THE PROPOSALS MADE

Proposal 1 – is to consolidate the 2 existing sets of regulations from 2002 into a new simplified statutory instrument.

20. The 2 current sets of regulations have now been amended on 32 separate occasions which is excessive in terms of the normal guidance provided for the drafting of such instruments. Hence the need for a consolidation exercise to be undertaken and 1 new set of regulations issued. The drafting instructions to generate that new consolidated instrument would be:

- Use “*Fees of Officers of Court*” as the title;
- Reword the General Regulations, and the fee narratives along with the fee amounts within the Table of Fees, in line with the changes under proposal 2 and proposal 3 below; and
- Revoke the 2 original regulations made by Act of Sederunt in 2002 as well as the 32 subsequent amending orders made (*refer Annex 9*).

Proposal 2 – is to simplify the layout and content of that new consolidated instrument by adopting the use of ‘unit based charging’; as well as amending the general regulations to reflect that change.

To simplify the General Regulations

21. A comparison between the current “General Regulations” is included as Annex 5.

22. Those separate regulations largely duplicate the narratives provided despite most being applicable to both messengers at arms & sheriff officers. The policy intention is to consolidate that information by rewording each regulation to make it generic. In doing so the content of the judgment in *McEntegart v Fishman* [2012] CSIH 72 is instructive⁴, as it conveys a need to consider what is practicable without making an unintended change to the law.

³ The annual CPI rate was 6.7% to the end of September 2023, and then 1.7% to the end September 2024

⁴ <https://www.bailii.org/scot/cases/ScotCS/2012/2012CSIH72.html>

Extending the use of fee ‘surcharges’

23. One alternative to having a column of fixed fee amounts within a Table of Fees is to make increased use of surcharges (% fee increases). That option is already well established within the existing statutory instrument:
- *Regulation 2* - makes provision for a surcharge of either 33% or 75% where a service needs to be provided outwith normal business hours;
 - *Regulation 3* – makes provision for a 30% fee surcharge when executing diligence in a remote rural area; and
 - *Regulation 3A* - makes provision for a 0.1% fee surcharge where the value of an action exceeds £100,000.
24. The Council notes that in practice only 8 line items make provision for charging a higher fee where a service is provided by a messenger at arms (*refer Annex 5*). This proposal would shift those 8 line items to the use of a % surcharge instead.
25. The drafting instruction to implement that change would be:
- *A new regulation* – to make provision for a flat 28% or 12% surcharge where a messenger at arms provides the “Service or Intimation of a Document” (*under line items 1a (i) to 1c*); and
 - *A new regulation* – to make provision for a flat 2.5% surcharge where a messenger at arms is enforcing a court order for “Inhibitions” (*under line items 2b (i) to 2c (ii)*).
26. The benefit of that change is that extending the use of surcharges will in turn avoid the need to publish a separate schedule of fees for messengers at arms.
-

Adding a regulation for the reduction of fees

27. The use of reductions (% fee decreases) is also well established within the existing statutory instruments:
- *Regulations 1A to 1B* – make provision for reduced fee amounts to be applied in lower value actions of £1,500 or less⁵; with column A setting out the amounts to be applied in lieu of the normal fee charged under column B; and
 - *Regulation 13* – makes provision for fee item 1(a) (i) (*service of documents at the one address*) to be reduced by 50% for any additional visit made.
28. For the reductions applicable in low value claims; several ‘fee amounts’ are fixed in Column A. Of those, only 18 line items result in a reduced fee being charged. Of those the average fee reduction made is 33% (*refer Annex 6*).
29. The drafting instructions would be:
- *Insert a new regulation* – to make provision for a flat 33% fee reduction for the 18 line items that do provide a decreased fee in actions under £1,500; and
 - *Update the fee narratives* – to link those 18 line items back to the provision made for that reduction under the General Regulations as amended.

⁵ That £1,500 threshold has remained unchanged since 1988.

30. The benefits of applying that as a 33% fee reduction would be to:
- Eliminate the requirement to specify individual fee amounts for 18 line items;
 - Allow column A to be removed in its entirety; and
 - Reduce the complexity of the consolidated instrument.

The Tables of Fees

31. In turn the above changes will enable the Table of Fees to be reduced to just 1 column: as the proposed shift to using “unit based charging” for all 60 line items will avoid specifying a multitude of individual ‘fee amounts’ within that column.

32. Annex 4 fixes the baseline number of units required to deliver services under each current line item: assuming a starting monetary value of £5.40⁶ per unit. Once fixed that baseline number of units will in general remain constant over time, which has the effect of eliminating the need to regularly restate every listed ‘fee amount’ when making future amendments.

33. The implementation of that change requires:
- Confirming that 1 ‘unit’ of work = 6 minutes⁷ of time;
 - Confirming the number of “units” (or parts thereof) as calculated for each line item in Annex 4 are considered reasonable for each service provided⁸; and
 - Setting the baseline ‘monetary value’ at £5.40⁹ (for 1 ‘unit’).

34. In future the fee for any given service will be calculated as:

“Units of work per line item x the monetary value set = the fee charged”

35. To implement this change would require:

- *Confirmation of the “unit” of time* – In 2019 when setting the rules for the determination of judicial expenses¹⁰ the Council chose a 6 minute unit of time a) to reflect that the legal profession generally bills its clients in 6 minute increments¹¹ and b) because 10 units of 6 minutes equates to 1 hour it readily supports the calculation of fees as multiples of 10. Adopting that same 6 minute unit of time for officers of court supports the ‘guiding principle’ for having similar rules across the courts, and will facilitate comparability to the approach taken for the determination of judicial expenses.

⁶ The current fee for line item 13 f (ii) is £27.40 for 30 minutes of time (without a witness) which implies a current rate for a unit of time is £5.40 for 6 minutes.

⁷ To provide comparability with the “unit” specified by the court for the recovery of “judicial expenses”.

⁸ By dividing the current fee by the “existing monetary value”

⁹ Prior to any inflationary adjustment being agreed

¹⁰ As set out in the Act of Sederunt (Taxation of Judicial Expenses Rules) 2019 ([SSI 2019/75](#)).

¹¹ Officer of court firms have not yet invested in systems for time based recording; but using a 6 minute increment retains the ability to adopt the software already used by the legal profession (should they wish to).

- *Confirmation of the “units” of work* – the indicative units in Annex 4 have been calculated by a) taking the existing ‘fee amount’ stated for each line item b) dividing by the current implied monetary value of £5:40 and c) inserting the resultant figure as the baseline units. Using that calculation is intended to ease any concerns end users might otherwise have around this change: by retaining direct comparability between the existing ‘fee amounts’ and the baseline ‘units’, by providing a figure prior to the next inflation uplift and by generally keeping this change cost neutral.

The Conclusion

36. The drafting instructions for the revised General Regulations will require the content to be:

- Reordered under logical headings and then renumbered;
- Reworded so that the regulations are generic and equally applicable to both messengers at arms and sheriff officers; and
- Extended to include the definitions for a “unit” of work and the “monetary value” of that unit.

37. The drafting instructions for the revised Table of Fees would be:

- To updated the Table of Fees to reflect a change to “unit based charging”.

Proposal 3 – To provide a framework whereby future inflation uplifts can be estimated in advance.

38. Previously all inflation adjustments have been made in arrears, due to the high level of policy and legal input required when calculating multiple different figures for every ‘line item’ within the schedules. That historic level of input can be seen in the 238 pages that were drafted in order to deliver the 32 amending orders made to date.

39. The proposed shift to ‘unit based charging’ will support such inflation adjustments being made in advance, as in future the amending orders will only require 1 paragraph to be drafted to the effect that:

- Year 1 – the monetary value is fixed at £X.XX from DD MMM YY;
- Year 2 - that monetary value changes to £Y.YY from DD MMM YY; and
- Year 3 – that monetary value changes to £Z.ZZ from DD MMM YY.

40. To implement that change the Council would:

- Implement a more detailed Fees Review process that would be undertaken in conjunction with SMASO every 3 years;
- Reset the monetary value of the ‘unit’ in response to the rates of inflation published by ONS and the forecasts published by OBR; and
- Consider the evidence provided (if any) for increasing or decreasing the baseline number of ‘units’ for any given service, or for adding or deleting a service, or for otherwise amending the consolidated statutory instrument.

What are the benefits sought?

41. The benefits sought are:

- *Certainty for Business Planning* – estimating the rate of inflation in advance will allow service providers to plan for and run their businesses with a far greater level of certainty around their potential future income; which in turn will better inform their planning decisions on whether to recruit staff, invest in technology or expand their business etc.
- *Efficient Drafting* – the effort required from drafting lawyers to legally provide for an inflation adjustment can be reduced to the preparation of say 1 paragraph within a 1 to 2 page statutory instrument (*compared to the 10 to 15 page instruments used historically*).
- *Digital Services* – for those firms in this market that wish to invest in new IT systems the use of a 6 minute unit of work would allow them to consider using off the shelf billing software developed for the legal profession; and as those units of work will generally remain constant over time it also supports any tax accountants and solicitors looking to automate the way they compile their ‘accounts of expenses’ under the Taxation of Judicial Expenses Rules 2019.
- *Timely Fee Reviews* – whilst fees can be reviewed and amended at any time, if the substantive fees review process was to occur too frequently it would require a disproportionate use of the limited resources available to SMASSO and the Council. Shifting to a more substantive review on a known 3 yearly cycle will provide a more proportionate approach that makes better use of the scarce resources of both organisations.
- *Transparency (for court users)* – the ability for users to view the units of work, rather than a fixed ‘fee amount’, will better support users checking the reasonableness of the fee charged relative to other line items.
- *Transparency (for service providers)* – the ability to view the units of work as a constant, rather than a ‘fee amount’ that varies, will assist service providers and the Council when trying to isolate potentially underfunded or overfunded services, or inconsistencies between line items etc.

SECTION 4: THE CONSULTATION QUESTIONS

42. Given the proposals made in section 3 of this paper, the Council would appreciate your feedback on the following questions:

Proposal 1 - Consolidation

Question 1 – Do you agree that the 2 existing sets of regulations from 2002 should be replaced with 1 new consolidated instrument? If not why not?

Proposal 2 – Adopting unit based charging:

Question 2 – Do you agree that a change to “unit based charging” will provide improved transparency on the level of fee being charged? If not why not?

Question 3 – Do you agree that the baseline “monetary value” should start at £5.40 and that 1 unit of time should be fixed at 6 minutes? If not why not?

Question 4 – Do you agree that the proposed changes to the general regulations will support the adoption of unit based charging?

Question 5 – With regard to annex 4, do you have a view on whether any of the current 60 line items shown are no longer required, or whether any of the baseline unit of work should be amended? If so why?

Question 6 – Do you have a view on any unintended consequences that might arise from implementing a change to unit based charging?

Proposal 3 - Adjusting for inflation in advance:

Question 7 – Do you have a view on the proposed change to the Council progressing inflation adjustments in advance?

Question 8 – Do you have a view on which indices (CPI, CPIH or a combination of both) should be used when forecasting inflation?

Other

Question 9 – Are you aware of any other opportunities to modernise how these regulated fees are set by the courts and charged to end users?

SECTION 5 – THE NEXT STEPS

43. Following the closing date for this consultation, the next steps would be:

Individual Responses - the individual consultation responses will be uploaded to the consultation page of the SCJC website as soon as practicable after this consultation closes (where permission to publish is given).

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Consultation Analysis – the secretariat will prepare an Analysis of Responses for consideration by the Council, which will be published online.

Consultation Response - having considered the analysis provided; the Council will take a final decision on whether to adopt “unit based charging”.

Draft Rules – if a decision is made to proceed, the Council will instruct the draft rules that can put this change into effect.

**Secretariat to the Scottish Civil Justice Council
May 2025**

BIBLIOGRAPHY

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>

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>

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Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) 1991 (23 pages)
<https://www.legislation.gov.uk/ukSI/1991/1397/contents/made>

The last “amending order” enacted reduced the training periods required for qualification:

- Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) (Amendment) 2024 (3 pages)
<https://www.legislation.gov.uk/ssi/2024/157/contents/made>

Officers of Court’s Professional Association (Scotland) Regulations 2011 (5 pages)
<https://www.legislation.gov.uk/ssi/2011/90/contents/made>

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McEntegart v Fishman [2012] CSIH 72
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<https://www.webarchive.org.uk/wayback/archive/20150220021910/http://www.gov.scot/Topics/archive/law-order/legal/Civil/officersofcourt/officersofcourt>

Other publications:

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<https://www.scotcourts.gov.uk/media/akup12jn/annual-report-2023-2024.pdf>

MacPhail - Sheriff Court Practice – 4th edition

- Para. 1.35 to 1.37 – Sheriff Officers
- Para. 6.24 to 6.29 - Citation by officer of court
- Para. 6.30 to 6.33 – Citation furth of Scotland

Office for National Statistics - Inflation and Price Indices
<https://www.ons.gov.uk/economy/inflationandpriceindices>

Social Security Assistance in Scotland - Up-rating for Inflation in 2024-25
For period ended September 2023 – 6.7% uplift
<https://www.gov.scot/publications/devolved-social-security-assistance-up-rating-inflation-2024-25/>

Social Security Assistance in Scotland - Up-rating for Inflation in 2025-26
For period ended September 2024 – 1.7% uplift
<https://www.gov.scot/publications/social-security-assistance-scotland-up-rating-inflation-2025-26/documents/>

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Online Directory - of Messengers at Arms and Sheriff Officers

<https://smaso.org.uk/member/officer/search/>

Website – Public Contracts Scotland

Framework Contract - Provision of Sheriff Officer and Debt Collection Services

https://www.publiccontractsscotland.gov.uk/Contracts/Contracts_View.aspx?id=684078

Scottish Diligence Statistics 2023-24

<https://aib.gov.uk/publications/scottish-diligence-statistics-2023-24>

Webpage – for the Advisory Council for Messengers at Arms and Sheriff Officers (ACMASO)

<https://www.scotcourts.gov.uk/rules-and-practice/rules-councils/advisory-council-on-messenger-at-arms-and-sheriff-officers/>

Website – for the Society of Messengers at Arms and Sheriff Officers (SMASO)

<https://smaso.org.uk/>

GLOSSARY

Term	Meaning
ACMASO	<p>An acronym for - the Advisory Council for Messengers at Arms and Sheriff Officers (ACMASO).</p> <p><i>A judicially led body established Feb 1991 by section 76 (1) of the Debtors (Scotland) Act 1987:</i> https://www.legislation.gov.uk/ukpga/1987/18/contents</p> <p><i>ACMASO advises the Court of Session on making Acts of Sederunt under section 75 (1) of the 1987 Act - re qualification, appointment, training, conduct & discipline of service providers.</i></p>
AIB	<p>An acronym for - the Accountant in Bankruptcy (AIB).</p> <p><i>A public body that publishes the Scottish Diligence Statistics each year.</i></p>
LP	<p>An acronym for - the Lord President: the most senior judge in Scotland and the Head of the Scottish Judiciary.</p>
Messengers at Arms	<p>A type of ‘officer of court’ - who by virtue of their commission (<i>from the Lord Lyon King of Arms</i>) has the authority to serve Court of Session documents and enforce the orders of that court across Scotland.</p>
Officers of Court	<p>A collective term – that covers both Messengers at Arms and Sheriff Officers when carrying out the delivery of court documents or the enforcement of court decrees.</p> <p><i>As employees of private companies those officers may, with the permission of the court, also be involved in non-court work such as debt collection (including the collection of council tax).</i></p>
ONS	<p>An acronym for - the Office of National Statistics (ONS).</p> <p><i>A public body that publishes the official statistics on inflation.</i></p>
OBR	<p>An acronym for - the Office of Budget Responsibility (OBR).</p> <p><i>A public body that provides independent economic forecasts, as well as independent analysis of the public finances.</i></p>
SCJC	<p>An acronym for - the Scottish Civil Justice Council (SCJC).</p> <p><i>A judicially led body established in May 2013 (by section 1 of Scottish Civil Justice Council and Criminal Legal Assistance Act 2013): https://www.legislation.gov.uk/asp/2013/3/contents</i></p>
Sheriff Officer	<p>A type of ‘officer of court’ - who by virtue of their commission (<i>from a sheriff principal</i>) has the courts authority to serve court documents and enforce court orders within a given sheriff court district or Sheriffdom.</p>
SMASO	<p>An acronym for - the Society of Messengers at Arms and Sheriff Officers (SMASO).</p> <p><i>SMASO was first established in 1922 as a body to represent the interests of officers of court.</i></p> <p><i>In 2011 the Society gained a statutory footing as the professional body with a more direct role in regulating the qualification, conduct and discipline of members. Since 2011 it became mandatory for service providers to be members of SMASO in order to offer services as officers of court. At the time of writing the society has 134 members.</i></p>

ANNEX 1 – THE LEGISLATIVE POWER TO ENACT ‘STATUTORY FEE’S’

The legislative powers (for proposing draft fees rules):

Under section 2 (1) (c) of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013: - the Council holds the “statutory function” of proposing *draft fees rules* for consideration and approval by the Court of Session.

The legislative powers (for enacting fees rules):

Under subsections 105 (1) (b) (for Messengers at Arms) and 106 (1) (b) (for Sheriff Officers) of the Courts Reform (Scotland) Act 2014: - the Court of Session holds the power to enact the *draft fees rules* proposed by the Scottish Civil Justice Council.

Note - Prior to the 2014 Act those powers were set out in a combination of the:

- *Sheriff Courts (Scotland) Act 1907 (s40);*
 - *Execution of Diligence (Scotland) Act 1926; and*
 - *Court of Session Act 1988 (s5).*
-

The enactments supporting the current fees rules:

Following the enactment of the Debtors (Scotland) Act 1987 the existing fee structure appears to have been established in 1989; which constitutes the last time a fully “comprehensive fees review” was undertaken. Since then fees uplifts have been made when justified by the provision of appropriate evidence¹². Most of those adjustments were made for inflation only (*using the main inflation indices*).

The regulations that enacted the current statutory fees regime are:

- The Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2002 (13 pages)
<https://www.legislation.gov.uk/ssi/2002/566/contents/made>
- The Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002 (15 pages)
<https://www.legislation.gov.uk/ssi/2002/567/contents/made>

Since those regulations were enacted, the last of the 32 “amending orders” made (refer Annex 9) took effect from 22 March 2024:

- *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>

¹² Prior to the SCJC being assigned the statutory function for the regulation of fees in 2015, the practice had been for SMASO to make occasional representations to the Lord President through the LPPO.

ANNEX 2 – THE COMMISSIONS HELD

Since April 2011 - it has been mandatory for all commissioned officers to be members of SMASO as the professional body.

This table of ‘commissions held’ was extracted from the online directory on 31 January 2025:

NAME OF FIRM	Count of firms	SHERIFF OFFICERS	MESSENGERS AT ARMS	TOTAL OFFICERS
Alex M Adamson LLP	1	3	5	8
Clarks	1	-	1	1
Colin Ross Wilks	1	-	1	1
Davidson Dempster LLP	1	-	1	1
Fraser Irvine	1	2	3	5
Gordon & Noble	1	-	1	1
Graham Lowrie	1	-	1	1
Graham Stewart & Co.	1	-	2	2
Hannahs	1	3		3
James S. Orr	1	-	1	1
John Campbell	1	1	1	2
Kiernan Oliver	1	1		1
Killean & Co.	1	1	1	2
Kirk & Co.	1	-	1	1
Llewellyn & Co.	1	1	1	2
Malcolm J. Boyd	1	1		1
Miller McKenna	1	-	1	1
Nelson James	1	4	1	5
Rutherford & Macpherson	1	-	2	2
Scott & Co.	1	20	18	38
Stirling Park LLP	1	11	14	25
Thomas Hannah & Co.	1	-	1	1
Walker Love	1	15	14	29
Totals	23	63	71	134
Data sourced from: - https://smaso.org.uk/member/officer/search/				

ANNEX 3 – THE LOCATION OF OFFICES

Since April 2011 - it has been mandatory for all commissioned officers to be members of SMASO as the professional body.

This table of ‘office locations’ was extracted from the online directory on 31 January 2025:

NAME OF FIRM	No. of Firms	No. of offices	LOCATION OF OFFICES
Alex M Adamson LLP	1	6	Edinburgh, Falkirk, Greenock, Kirkcaldy, Livingston, Stirling
Clarks	1	1	Dumfries
Colin Ross Wilks	1	1	Kilmarnock
Davidson Dempster LLP	1	1	Glasgow
Fraser Irvine	1	2	Glasgow , Edinburgh
Gordon & Noble	1	1	Glasgow
Graham Lowrie	1	1	Glasgow
Graham Stewart & Co.	1	1	Glasgow
Hannahs	1	1	Glasgow
James S. Orr	1	1	Motherwell
John Campbell	1	1	Hamilton
Kiernan Oliver	1	1	Hamilton
Killean & Co.	1	1	Dundee
Kirk & Co.	1	1	Greenock
Llewellyn & Co.	1	1	Dunbar
Malcolm J. Boyd	1	1	Airdrie
Miller McKenna	1	1	Glasgow
Nelson James	1	4	Aberdeen, Edinburgh, Glasgow , Livingston
Rutherford & Macpherson	1	1	Glasgow
Scott & Co.	1	6	Aberdeen, Dundee, Edinburgh, Galashiels, Glasgow , Inverness
Stirling Park LLP	1	2	Kilmarnock
Thomas Hannah & Co.	1	1	Edinburgh
Walker Love	1	6	Aberdeen, Edinburgh, Glasgow , Inverness, Kirkcaldy, Paisley
Totals	23	43	
Data sourced from: - https://smaso.org.uk/member/officer/search/			

ANNEX 4 – THE CURRENT LINE ITEMS

SERVICES PROVIDED - BY A SHERIFF OFFICER	LINE COUNT	FEE ITEM	COLUMN B	UNITS (at £5.40)
SERVICE OR INTIMATION OF A DOCUMENT				
- each person at a different address	1	1a (i)	96.27	18
- each additional person at that address	1	1a (ii)	21.72	4
- postal service	1	1b	31.95	6
- postal diligence	1	1c	48.02	9
INHIBITIONS				
- Inhibitions - each person at a different address	1	2a (i)	123.10	23
- Inhibitions - each additional person at that address	1	2a (ii)	39.61	7
- Inhibition & service - each person at a different address	1	2b (i)	143.41	27
- Inhibition & service - each additional person at that address	1	2b (ii)	62.31	12
- Inhibitions, service & interdict - each person at a different address	1	2c (i)	238.22	44
- Inhibitions, service & interdict - each additional person at that address	1	2c(ii)	101.38	19
INTERDICTS				
- interdict only - each person at a different address	1	3a (i)	179.87	33
- interdict only - each additional person at that address	1	3a (ii)	39.61	7
- interdict & service - each person at a different address	1	3b (i)	202.20	37
- interdict & service - each additional person at that address	1	3b (ii)	61.59	11
- interdict, service & inhibition - each person at a different address	1	-	-	
- interdict, service & inhibition - each additional person at that address	1	-	-	
ATTACHMENTS				
- service notice of entry	1	4a	13.63	3
- arranging attachment - but unable to execute	1	4b	101.99	19
- arranging & executing attachment - value of £708 or less	1	4c (i)	119.33	22
- arranging & executing attachment - value of £708 to £2,845	1	4c (ii)	184.98	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	11.31	2
ATTACHMENT OF MOTOR VEHICLES etc.				
- arranging & executing attachment - value of £708 or less	1	5a (i)	119.33	22
- arranging & executing attachment - value of £708 to £3,147	1	5a (ii)	184.98	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	11.31	2
MONEY ATTACHMENTS				
- arranging attachment - but unable to execute	1	6a	101.99	19
- arranging & executing attachment - value of £708 or less	1	6b (i)	119.33	22
- arranging & executing attachment - value of £708 to £2,845	1	6b (ii)	184.98	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	11.31	2

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ANNEX 4 – THE CURRENT LINE ITEMS... continued

SERVICES PROVIDED – BY A SHERIFF OFFICER	LINE COUNT	FEE ITEM	COLUMN B	UNITS (at £5.40)
AUCTIONS				
- arranging auction	1	7a	29.51	5
- intimating auction & removal details	1	7b	use 1a or 1b	refer above
- officer & witness attending - auction does proceed	1	7c	97.42	18
- officer & witness attending - auction doesn't proceed	1	7d	179.47	33
EJECTIONS				
- arranging ejection	1	8a	97.42	18
- arranging & executing ejection	1	8b	151.21	28
TAKING POSSESSION OF EFFECTS				
- arranging possession	1	9a	97.42	18
- arranging & executing possession	1	9b	179.87	33
APPREHENSIONS				
- arranging apprehension	1	10a	97.42	18
- arranging and apprehending	1	10b	179.87	33
UPLIFTING CHILDREN				
- arranging uplift	1	11a	97.42	18
- uplifting each child	1	11b	179.87	33
ARRESTING VEHICLES, AIRCRAFT & CARGO				
- arranging to arrest	1	12a	97.42	18
- arranging & executing arrestment	1	12b	297.68	55
MISCELLANEOUS				
- making a report	1	13a	22.63	4
- granting a receipt	1	13b	11.31	2
- arranging locksmith or tradesperson to attend	1	13c	7.24	1
- granting a certificate	1	13d	22.63	4
- executing a warrant to open lockfast places	1	13e	22.63	4
- time (30 minutes with witness attending)	1	13f (i)	36.26	7
- time (30 minutes without witness attending)	1	13f (ii)	27.02	5
- photocopies - first page	1	13g (i)	2.55	=
- photocopies - each subsequent page	1	13g (ii)	1.40	-
- service of a document in Scotland - under Hague Convention	1	13h	169.02	31
TOTALS	60			

ANNEX 5 – THE SURCHARGES TO BE ADDED

The separate schedule provided for messengers at arms replicates the 60 line items used for the services provided by sheriff officers (*refer Annex 4*) - of those only 8 of those 60 line items actually provide for a higher fee to be charged where that service was provided by a messenger at arms.

Hence the proposal to have the increased fees for those 8 items provided for as fee surcharges, rather than by duplicating the entire schedule:

SERVICE PROVIDED - BY MESSENGER AT ARMS (Where a % increase in the amount of the fee has been applied)	LINE COUNT	FEE ITEM	FEE AMOUNT	VARIANCE £ % mark up	
SERVICE OR INTIMATION OF A DOCUMENT					
- each person at a different address	1	1a (i)	123.10	26.83	27.9%
- each additional person at that address	1	1a (ii)	24.28	2.56	11.8%
- postal service	1	1b	34.99	3.04	9.5%
- postal diligence	1	1c	53.31	5.29	11.0%
INHIBITIONS					
- Inhibitions - each person at a different address	-	2a (i)	123.10	<i>nil</i>	<i>nil</i>
- Inhibitions - each additional person at that address	-	2a (ii)	39.61	<i>nil</i>	<i>nil</i>
- Inhibition & service - each person at a different address	1	2b (i)	146.95	3.54	2.5%
- Inhibition & service - each additional person at that address	1	2b (ii)	63.83	1.52	2.4%
- Inhibitions, service & interdict - each person at a different address	1	2c (i)	244.07	5.85	2.5%
- Inhibitions, service & interdict - each additional person at that address	1	2c(ii)	103.75	2.37	2.3%
TOTALS	8				

ANNEX 6 – THE REDUCTIONS TO BE ADDED

In the existing sheriff officer’s fees instrument:

- Column A makes provision for the reduction of fee amounts (*for low value claims of £1,500 or less*) relative to the normal fees otherwise charged under Column B: and
- Those reductions are only made in the 18 specific line items listed in this table:

Hence the proposal to have the decreased fees for those 18 line items provided for as fee reductions, rather than by duplicating a column within that schedule:

SERVICE PROVIDED <i>(Where a reduction in the amount of the fee has been applied)</i>	COUNT	FEE ITEM	COLUMN A	COLUMN B	% REDUCTION
SERVICE OR INTIMATION OF A DOCUMENT					
- each person at a different address	1	1a(i)	61.70	96.27	35.9%
- each additional person at that address	1	1a(ii)	13.45	21.72	38.1%
- postal service	1	1b	18.86	31.95	41.0%
- postal diligence	1	1c	29.27	48.02	39.0%
INHIBITIONS					
- Inhibitions - each person at a different address	1	2a(i)	79.53	123.10	35.4%
- Inhibitions - each additional person at that address	1	2a(ii)	25.63	39.61	35.3%
- Inhibitions & service - each person at a different address	1	2b(i)	92.85	143.41	35.3%
- Inhibitions & service - each additional person at that address	1	2b(ii)	40.34	62.31	35.3%
ATTACHMENTS					
- service notice of entry	1	4a	8.83	13.63	35.2%
- arranging attachment - but unable to execute	1	4b	69.67	101.99	31.7%
MONEY ATTACHMENTS					
- arranging attachment - but unable to execute	1	6a	69.67	101.99	31.7%
AUCTIONS					
- officer & witness attending - auction doesn’t proceed	1	7c	64.92	97.42	33.4%
EJECTIONS					
- arranging ejection	1	6a	64.92	97.42	33.4%
- arranging & executing ejection	1	8b	133.32	151.21	11.8%
TAKING POSSESSION OF EFFECTS					
- arranging possession	1	9a	64.92	97.42	33.4%
- arranging & executing possession	1	9b	133.32	179.87	25.9%
ARRESTING VEHICLES, AIRCRAFT & CARGO					
- arranging to arrest	1	12a	64.92	97.42	33.4%
- arranging & executing arrestment	1	12b	163.74	297.68	45.0%
TOTALS	18		66.66 <i>(average)</i>	100.14 <i>(average)</i>	33.4% <i>(average)</i>

ANNEX 7 – 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	
<p>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.</p>	<p>1. Subject to the following paragraphs, the fees payable to a sheriff officer [...]1 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.</p>
REDUCTIONS – FOR LOW VALUE CLAIMS	
	<p>1A. Column A of the Table of Fees specifies the fees payable in relation to– (a) a summary cause commenced before 14th January 2008; [...]2 SSI 2002/567 Page 3 (b) 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] 3 [(c) 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</p>
	<p>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).</p>
APPLICATION	
	<p>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.</p>
SURCHARGE – FOR “OUT OF HOURS” SERVICE	
<p>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–</p>	<p>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–</p>

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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)] 1 .
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, the messenger-at-arms may attach the goods and shall add a note on the schedule of the attachment	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 that effect, the sheriff officer may attach the goods and shall add a note on the schedule of the attachment

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<p>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.</p>	<p>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>
<p>13A.— (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. (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.— (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. (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>
	<p>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] 1</p>
<p>LIABILITY FOR VAT</p>	
<p>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.</p>	<p>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.</p>
<p>INTERPRETATION</p>	
<p>15. In this Schedule, unless the context otherwise requires– “the Act of 1987” means the Debtors (Scotland) Act 1987 (c.18); “the Act of 2002” -means the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17); “the Act of 2007” means the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3); “apprehension” means apprehending, detaining and taking to and from court or prison; “arranging” means accepting instructions, checking for competency, reserving time, advising instructing agent, making all necessary arrangements, intimation and</p>	<p>17. In this Schedule, unless the context otherwise requires– “the Act of 1987” means the Debtors (Scotland) Act 1987 (c.18); “the Act of 2002” means the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17); “the Act of 2007” means the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3); “apprehension” means apprehending, detaining and taking to and from court or prison; “arranging” means accepting instructions, checking for competency, reserving time, advising instructing agent, making all necessary arrangements, intimation and</p>

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<p>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>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 8 – THE KEY MILESTONE EVENTS

The following table conveys the key milestone events that have had, or may have, a material impact on the services provided by officers of court:

Timeline	Milestone Event
2002	<p>Abolishment of “poidings and warrant sales” The line items in previous instruments covering fees related to “poidings and warrant sales” were deleted from the 2002 regulations. Note 1. The abolishment of poidings and warrant sales came into effect from 30 December 2022 via section 58 of the Debt Arrangement and Attachment (Scotland) Act 2002 (ASP 2002/17). Note 2. The new regulated Fees under the 2002 regulations came into effect from that same date.</p>
2007	<p>The government proposal for unification: As part of a proposed Bill the Scottish Government had suggested a) setting up a <i>Scottish Civil Enforcement Commission</i> and b) unifying the statutory roles of messengers at arms and sheriff officers into a new unified role (<i>a judicial officer</i>). Significant negative feedback from SMASO and others led to that proposal being dropped. Note 1. Provisional sections (50, 52 & 54 to 60) to implement that proposal were included within in the Bankruptcy and Diligence etc. (Scotland) Act 2007 (ASP 2007/3) but never commenced. Note 2. In due course those provisional sections were repealed by the Public Services Reform (Scotland) Act 2010 (Commencement No. 3) Order 2011 (SSI 2011/30).</p>
2008	<p>Lifting the upper limit for a summary cause to £5,000 The upper limit for summary cause proceedings had been set at £1,500 in 1988. With effect from 14 January 2008 that upper limit for a summary cause was increased from £1,500 to £5,000. Note 1. That change was introduced by the Sheriff Courts (Scotland) Act 1971 (Privative Jurisdiction and Summary Cause) Order 2007 (SSI 2007/507).</p>
	<p>Retaining the previous £1,500 limit for the reduction of fees In the table of fees that applied prior to 2008; the £1,500 limit was implicit in the 3 bands shown under the heading of “summary cause”. The policy decision taken was to retain that £1,500 as the threshold for future fee reductions made (rather than increase it to £5,000). Note 1. That decision came into effect from 14 January 2008 by the Act of Sederunt (Fees of Sheriff Officers) 2007 (SSI 2007/550).</p>
2009	<p>Addition of the new diligence of “money attachment” The new diligence of money attachment was introduced by the Bankruptcy and Diligence etc. (Scotland) Act 2007. Note 1. This change was brought into effect by the Act of Sederunt (Fees of Messengers-at-Arms) (Diligence) 2009 (SSI 2009/383) and the Act of Sederunt (Fees of Sheriff Officers) (Diligence) 2009 (SSI 2009/379)</p>
2011	<p>Formal recognition of SMASO as the professional body: With effect from 1 April 2011 SMASO was formally recognised as the professional body for officers of court; making it compulsory for all officers of court to be a member of that body in order to offer such services. Note 1. This change was one part of Schedule 4 of Public Services Reform (Scotland) Act 2010 (ASP 2010/8) which made a number of changes to the Acts of 1987 and 2007.</p>
2012	<p>Simplifying the fees for providing services in rural areas: The fee structure was simplified to use a % uplift in fees to adjust for a) services delivered in remote rural locations and b) a 0.1% uplift where the value of an action was over £100,000. The practical effect was to reduce the 6 bands previously shown down to 2 (Column A & Column B) Note 1. This change was brought into effect by the Act of Sederunt (Fees of Messengers-at-Arms) (No. 2) 2011 (SSI 2011/431) and the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2011 (SSI 2011/432)</p>
2013	<p>Evaluating the potential options for “activity based costing” etc. When providing an evidence base to support fee reviews the Law Society of Scotland historically provided a Cost of Time Survey. At the request of the LP that option was considered by SMASO along with the option of using activity based costing. Those options were then rejected due to concerns with the potential costs of undertaking that work, the likely response rate from members, the small sample sizes and concerns over the reliability of the data collected.</p>
2025	<p>Anticipating the change to electronic service (of arrestment’s) Legal provision was enacted to support the electronic service of decrees for bank arrestment and wages arrestment at some point. The implementation of that change remains subject to the commencement orders being made in due course by SG. Note 1. This future change has been provided for in sections 14 & 16 of the Bankruptcy and Diligence (Scotland) Act 2024; which amends section 70 & insert section 73CA into the Debtors (Scotland) Act 1987</p>

ANNEX 9 – 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 (Private 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.

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			<ul style="list-style-type: none"> 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. 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 increased 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

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			w as previously contained in a separate instrument, S.S.I. 2008/366, w hich is revoked by this Act of Sederunt.
23	6	2012/341	Act of Sederunt (Fees of Sheriff Officers) (Amendment) (No. 2) 2012 <ul style="list-style-type: none"> • An increase of 2.45% on the existing fees. This increase takes effect f rom 28th January 2013.
24	6	2013/345	Act of Sederunt (Fees of Sheriff Officers) 2013 <ul style="list-style-type: none"> • An increase of 2.15% on the existing fees. This increase takes effect f rom 27th January 2014.
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 f rom 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 f rom 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 f rom 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 w hich 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 f rom 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 f rom 2nd March 2024.
32 SSI	238 pages		