# STATUTORY INSTRUMENTS IN FORCE

## Purpose

1. To provide the Council with a note of the statutory instruments progressed via the Council's work programme that have come into force since the Council last met on 15 June 2025.

## Statutory Instruments

2. The following instruments have been laid and have come into force since the Council last met:

- **Act of Sederunt (Fees of Messengers-At-Arms and Sheriff Officers) 2026 and Act of Sederunt (Fees of Messengers-At-Arms and Sheriff Officers) (Amendment) 2026**

  The Acts of Sederunt were made by the Court of Session on 18 June 2026 and 03 September 2026 respectively. They came into force on 25 September 2026.

  The instruments implement the Council's 25/26 strategic objective of introducing a unit based charging approach for fees of this type. This follows on from the successful introduction of a similar approach for Judicial expenses (Act of Sederunt (Taxation of Judicial Expenses Rules) 2019).

  In addition to introducing a new framework based on a 'unit' price of £6.10, the instrument includes a new mechanism to support the application of inflation in advance. Projected inflationary uplifts on unit price for 2027 and 2028 have accordingly been included.

- **Act of Sederunt (Taxation of Judicial Expenses Rules) (Amendment) 2026**

  This Act of Sederunt was made by the court on 18 August 2026 and came into force on 10 October 2026.

  It is an amending instrument. It amends the value of the 'unit' in rule 3.2 of the 2019 Rules ((Act of Sederunt (Taxation of Judicial Expenses Rules)

2019), increasing it from £18.00 to £22.10. This increase takes effect in respect of work carried out on or after 10 October 2026.

In addition, the wording in two existing rules has been amended to: (1) reinforce that claims for a reduction of charges in a lower value case will be accepted regardless of whether the scrutiny of that claim takes place by way of assessment or taxation (Rule 3.7); and (2) to make it clearer to all parties that court fees can be recovered as an outlay (Rule 4.2).

- **Act of Sederunt (Ordinary Cause Rules 1993 Amendment) (Judgments) 2026**

This Act of Sederunt was made by the Court of Session on 26 August 2026 and came into force on 30 September 2026.

The instrument prescribes new Form O7ZA (form of judgment), which requires to be used when a sheriff issues an *ex tempore* or reserved judgment.

Incidental amendments to the term '*ex tempore*' were also made.

- **Act of Sederunt (Summary Cause Rules 2002 Amendment) (Domestic Abuse (Protection) (Scotland) Act 2021) 2026**

This instrument was made by the Court of Session on 03 September 2026 and came into force on 05 October 2026.

It amends the Summary Cause Rules 2002, introducing new forms of claim and an extract decree proforma to support the operation of section 22 of the Domestic Abuse (Protection) (Scotland) Act 2021 in the sheriff court.

Section 22 provides a method for social landlords who have let a house under a Scottish secure tenancy to apply to the sheriff court for an order to:

(1) recover the house let where the tenant is a sole tenant and has engaged in behaviour which is abusive of a partner or ex-partner. This is to enable the landlord to enter into a new tenancy with the partner or ex-partner who is the victim of the abusive behaviour;

Or

(2) to terminate a tenant's interest in the tenancy where that tenant has engaged in behaviour which is abusive of a partner or ex-partner and that parter or ex-partner is a joint tenant.

**Recommendation**

**3. Members are invited to note the contents of this update.**

**Secretariat to the Scottish Civil Justice Council**
**October 2026**