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Equalities, Human Rights and Civil Justice Committee

Instruments relating to fees of Messengers-at-Arms and Sheriff Officers considered on 24 September 2026



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Equalities, Human Rights and Civil Justice Committee

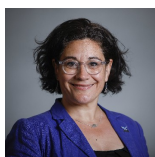
To consider and report on the following —

- (a) matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
- (b) matters relating to human rights.
- (c) matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice.

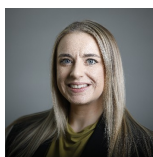


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Committee Membership



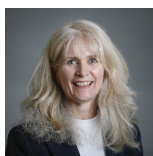
Convener
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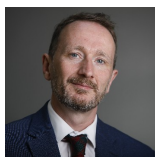
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Scottish National Party

Introduction

1. At its meeting on 17 September, the Equalities, Human Rights and Civil Justice Committee considered the following negative instruments:
 - [Act of Sederunt \(Fees of Messengers-at-Arms and Sheriff Officers\) 2026 \(SSI 2026/208\)](#)
 - [Act of Sederunt \(Fees of Messengers-at-Arms and Sheriff Officers\) \(Amendment\) 2026 \(SSI 2026/252\)](#).
2. [Concerns were expressed by members](#) in respect of some of the policy provisions set out in instrument 2026/208. The Committee therefore agreed to take oral evidence on the instruments and to continue consideration of them at its next meeting.

The instruments

3. Unlike most SSIs which are made in the name of Scottish Government ministers, Acts of Sederunt regulate the business of the civil courts and are made by the Lord President of the Court of Session.
4. Instrument 2026/208 revokes and consolidates two separate statutory instruments in order to introduce a simpler approach and transparency in the fees charged by Messengers-at-Arms and Sheriff Officers. It revokes the Act of Sederunt (Fees of Messengers-at Arms) (No. 2) 2002, the Act of Sederunt (Fees of Sheriff Officers) (No. 2) 2002 and the Acts of Sederunt which have amended these previous instruments.
5. This Act of Sederunt introduces a new charging model in which fees by officers of court (Sheriff Officers and Messengers-at-Arms) are charged in units. It establishes the value of a single unit. This value has been adjusted for inflation and will increase by 2% up to and including financial year 2028/29.
6. This Act of Sederunt also changes how work carried out by officers of court, which is calculated on a time basis, will be charged. Fees for certain types of work which take an officer of court more than one hour to complete will be charged in 6-minute intervals. This charge only applies to the portion of that work which exceeds one hour until it is complete. It also makes changes to the reductions which can be made to the fees of Sheriff Officers and sets out what surcharges apply to fees for officers of court.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered instrument 2026/208 on 1 September and reported on it in its [2nd report, 2026](#). The DPLR Committee drew the instrument to the attention of the Parliament on reporting ground (i) (that its drafting appears to be defective) “in respect that the instrument fails to deliver the intended policy on surcharging because it fails to allow for messengers-at-arms to charge a surcharge for out-of-hours, remote or high value work.” The DPLR Committee also drew the instrument to the attention of the Parliament “on the general reporting ground in respect of the points raised in questions 1, 2, 3, 5, 8, and 9” (as set out in the DPLR Committee’s report).
8. However, having considered a [written response from the Lord President’s Private Office](#) (LPPO), the DPLR Committee welcomed “that the Lord President’s Private Office intends, subject to the Court’s approval, to bring forward an amending instrument with a view to addressing all the acknowledged points before the present instrument comes into force.”
9. The amending instrument ([Act of Sederunt \(Fees of Messengers-at-Arms and Sheriff Officers\) \(Amendment\) 2026](#) (SSI 2026/252)) was laid on 4 September.

Oral evidence

10. At its meeting on 24 September 2026, the Equalities, Human Rights and Civil Justice Committee took evidence on the instruments from:

- Danielle McLaughlin, Interim Director, Scottish Civil Justice Council; and
- Andrew Campbell, Lord President's Private Office.

The meeting papers and official report are available on [the Committee's webpage](#).

11. Before taking evidence, the Committee received [correspondence from the Scottish Civil Justice Council Secretariat](#) which provided background information about its role and the consultation undertaken to inform the policy underpinning the instruments.
12. The Committee explored a number of themes with witnesses including concerns about the consultation process undertaken by the Scottish Civil Justice Council and the potential impact of higher fees on those on lower incomes and those living in remote rural areas.

Consideration of motions recommending annulment

13. In advance of the meeting, Holly Bruce lodged two motions recommending annulment of the instruments.
14. After the Committee's oral evidence session, Holly Bruce moved the following motions:
 - S7M-01282—That the Equalities, Human Rights and Civil Justice Committee recommends that the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) 2026 (SSI 2026/208) be annulled; and
 - S7M-01284—That the Equalities, Human Rights and Civil Justice Committee recommends that the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2026 (SSI 2026/252) be annulled.
15. After debate, the motions were disagreed to (by division: For 3, Against 3, Abstentions 1; motions disagreed to by casting vote).
16. Whilst the Committee does not recommend that these instruments are annulled, it draws the attention of the Parliament to the issues that were raised during its scrutiny of the instruments.

