

ORDER, DATED JULY 8, 1920, UNDER SECTION 20 (2) OF THE SHERIFFS ACT, 1887 (50 & 51 VICT. c. 55), FIXING THE FEES TO BE TAKEN BY SHERIFFS OR SHERIFF'S OFFICERS CONCERNED IN THE EXECUTION OF WRITS OF FIERI FACIAS.

1920 No. 1250 (L.36)

I, Frederick Lord Birkenhead, Lord High Chancellor of Great Britain, by and with the advice and consent of the undersigned Judges of the Court of Appeal and the High Court of Justice and with the concurrence of the Treasury, do hereby in pursuance and execution of the powers given by the Sheriffs Act, 1887, fix the fees set forth in the Schedule hereto annexed as the fees to be demanded, taken and received by any sheriff or officer of a sheriff concerned in the execution of process directed to the sheriff in the several proceedings mentioned in the said Schedule as from the 18th day of July, 1920.

Birkenhead, C.
Reading, C.J.
Sterndale, M.R.
Henry A. McCardie, J.

We concur.

James Parker }
J. Towyn Jones, } Lords Commissioners of
His Majesty's Treasury.

Dated the 8th day of July, 1920.

SCHEDULE

TABLE OF FEES

EXECUTION OF WRITS OF FIERI FACIAS

1. *For Mileage* to include the mileage of the bailiff or the man in possession, *per mile* from the Sheriff's Officer's residence £ 0 1 0

When the place at which seizure is to be made is distant more than one mile and a half from the nearest railway station, there may be allowed, in lieu of mileage from the station to that place, out-of-pocket expenses actually and reasonably incurred for conveyance from the station to that place and back to the station.

2. *For Seizure* by the Sheriff's Officer, for each building or place separately rated at which a seizure is made, when the sum indorsed on the Writ of Execution:

does not exceed £100 £1 1 0
and when it exceeds £100 £1 11 6

3. *For Work Done* by the Sheriff's Officer in making enquiries as to claims for rent or to the goods, including copying claims and giving the necessary notices to all parties, a sum not exceeding £1 1 0

And for all out-of-pocket expenses actually and reasonably incurred in relation to such work, including postage, telegraphic and telephonic messages a further sum not exceeding £1 1 0

NOTE.—The foregoing fees numbered 1, 2 and 3 shall be paid by the execution creditor, and shall not be recoverable by him although the execution proves abortive.

4. For man, or when necessary, men in possession, to provide his or their own board in every case per man per day £0 8 6

5. For removal of goods or animals to a place of safe keeping, when necessary, the sum actually and reasonably paid.

6. When goods or animals have been removed, for warehousing or taking charge of the same, the sum actually and reasonably paid.

7. For keep of animals while in the custody of the Sheriff, whether before or after removal, the sum actually and reasonably paid.

NOTE.—No fees for keeping possession of goods or animals to be charged after the goods or animals have been removed.

8. For Sale or preparation for Sale by Auction.

(1) When Sale by Auction takes place.

(a) For commission to the Auctioneer, to include inventory and valuation, compiling catalogue and preparing for sale, 7½ per cent. on the sum realised not exceeding £100, 5 per cent. on the next £900 and 4 per cent. on any sum beyond £1,000.

(b) For advertising and giving publicity to the sale, printing catalogues and bills and distributing and posting the same, the sum actually and reasonably paid.

(c) For labour employed in lotting, showing the goods, attending the sale and superintending the removal of the goods by purchasers, the sum actually and reasonably paid.

(2) When no Sale takes place either by Auction or by private contract.

(a) For work actually done in preparing inventory and valuation, compiling catalogue and preparing for sale a sum not exceeding 4 per cent. on the value of the goods if such value does not exceed £200. If the value is in excess of that amount a sum not exceeding 4 per cent. on the first £200, and a further sum not exceeding 3 per cent. on the excess.

(b) For advertising and giving publicity to the intended sale, printing catalogues and bills, and distributing and posting the same, the sum actually and reasonably paid.

(c) For labour (if any) employed in lotting and showing the goods, the sum actually and reasonably paid.

9. For Sale by Private Contract.

(a) Half the percentage allowed on a sale by auction; and in addition :

(b) For work actually done in preparing inventory and valuation, and for all work (if any) actually done in preparing for sale by auction a sum not exceeding in any event 2½ per cent. on the value of the goods.

(c) And for advertising and giving publicity to any intended sale by auction, printing catalogues and bills and distributing and posting the same and for labour employed in lotting and showing the goods, the sums (if any) actually and reasonably paid.

10. Sheriff's poundage and the fee for delivery of the Writ to the Under-Sheriff shall be the same as before until further Order.

The foregoing fees numbered 1, 2, 3, 4, 5, 6, 7, 8 (1), 9 and 10, shall be levied in every case in which an execution is completed by sale, as fees payable to Sheriffs were levied before the making of this Order.

SHERIFF, ENGLAND

In every case where an execution is withdrawn, satisfied, or stopped, the fees under this Order shall be paid by the person issuing the execution, or the person at whose instance the sale is stopped, as the case may be.

The amount of any fees and charges payable under this Table shall be taxed by a Master of the Supreme Court or a District Registrar of the High Court, as the case may be, in case the Sheriff and the party liable to pay such fees and charges differ as to the amount thereof.

The Order as to Fees made under the Sheriffs Act, 1887, and dated the 31st August, 1888,^(a) is hereby annulled from the 18th day of July, 1920, except as to proceedings under Writs of Execution issued before that date, to which proceedings the said Order shall continue to apply.

(a) S.R. & O. Rev. 1904, XI, "Sheriff, E.", p. 1.