

1988 No. 410

LAND REGISTRATION

Land Registry (Fees) Order (Northern Ireland) 1988

Made 23rd November 1988

Coming into operation 1st February 1989

*To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974*

The Department of the Environment, in exercise of the powers conferred by section 84 of the Land Registration Act (Northern Ireland) 1970(a) and now vested in it(b) and of every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel(c) and after consultation with the Land Registry Rules Committee established by section 85 of that Act, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Land Registry (Fees) Order (Northern Ireland) 1988 and shall come into operation on 1st February 1989.

(2) In this Order words and expressions defined in the Rules have the same meaning as in the Rules and—

“annual rent” means the largest amount of annual rent payable in respect of any year calculable under the instrument reserving or creating the rent;

“charge” includes “sub-charge”;

“fees” means the fees referred to in Article 3(1);

“minimum fee” in relation to a transaction, means the minimum fee set out in the Scale;

“the Rules” means the Land Registration Rules (Northern Ireland) 1977(d) and a reference by number to a Rule is a reference to the Rule bearing that number in the Rules;

“the Scale” means the scale set out in paragraph 1 of the Schedule;

“transaction” means any application, dealing, request or other matter in relation to which a fee is to be taken.

(3) Nothing contained in this Order shall require payment of a fee in respect of any matter which by any enactment is expressly made exempt from payment of a fee, or to exempt from payment of a fee any matter in respect of which a fee is expressly made payable by any enactment.

(a) 1970 c. 18 (N.I.)

(b) By the Departments (Northern Ireland) Order 1982 S.I. 1982/338 (N.I. 6) Art. 5 and Part II of Sch. 1

(c) Approval function conferred by S.I. 1982/338 (N.I. 6) Art. 9 and Sch. 2

(d) S.R. 1977 No. 154

Revocation

2. The Land Registry (Fees) Order (Northern Ireland) 1982(a) is hereby revoked.

Payment of fees

3.—(1) Subject to the following provisions of this Order, the fees shall be those set out in the Schedule and shall be payable at the time when the transaction is presented to the Registry.

(2) Where in the ascertainment of the fees payable in respect of any transaction a calculation is involved, the amount payable shall be calculated to the nearest 5 pence.

(3) Every fee shall be paid in cash or by means of a banker's draft, money order, postal order or cheque drawn to the order of the Land Registry of Northern Ireland.

Refund of fees

4.—(1) In the event of an application or dealing (other than the registration as a burden of a charge imposed under Article 46 of the Judgments Enforcement (Northern Ireland) Order 1981(b)) being refused, withdrawn or abandoned, there shall be payable the sum of £25 in respect of the application or dealing, or one quarter of the fee payable, whichever is the greater.

(2) Where an amount exceeding the prescribed fee has been paid, there shall be refunded any overpayment which exceeds £5.

Exemption from fees

5. No fee shall be payable for—

- (a) registration as a burden, at the time of first registration of the title, of a matter which arose before first registration other than a charge for payment of money affecting a leasehold estate where the ownership of the leasehold estate will be registered in accordance with Rule 87(2) or 88(2);
- (b) registration on a folio of the ownership of a burden where such registration is made at the time of its registration as a burden;
- (c) registration as a burden of an easement or profit-à-prendre or a right to which section 47 of the Act applies or a right of maintenance or support where such easement, profit-à-prendre or right is created or granted in a document of transfer or lease and such registration is made at the time of registration of the transfer or lease;
- (d) registration of an appurtenance where the easement is created or granted in a document of transfer or lease and such registration is made at the time of registration of the transfer or lease;
- (e) registration of a burden created by the will of a registered owner or in a deed of settlement or of a charge under section 7 of the Administration of Estates Act (Northern Ireland) 1955(c) when such

(a) S.R. 1982 No. 2

(b) S.I. 1981/226 (N.I. 6)

(c) 1955 c. 24 (N.I.)

burden is registered at the time of registration of a change in ownership of the land the subject of the burden;

- (f) registration of a charge created by an order charging land made under Article 46 of the Judgments Enforcement (Northern Ireland) Order 1981 when notice of that order has been entered on the register under Article 48 of that Order;
- (g) entry of notice of the existence of a burden specified in entry 5 of Part I of Schedule 5 to the Act, or cancellation of any burden specified in entry 3, 4 or 5 of Part I of that Schedule;
- (h) reclassification of a title on the initiative of the Registrar under paragraph 3 of Schedule 3 to the Act;
- (i) rectification of a register where the rectification is made in consequence of an error made in the Land Registry;
- (j) entry of an inhibition by the Registrar, under section 68 of the Act;
- (k) alteration of the description of land registered in a folio;
- (l) alteration of the address or description of a person appearing in a folio or alteration of such person's surname consequent on marriage;
- (m) approval of an estate development map intended for use in a series of dealings;
- (n) registration of a charge or other burden on a superior estate consequent on the extinguishment of an inferior estate;
- (o) entry or cancellation of entry of any notice or direction furnished by the Master (Bankruptcy) under section 59 of the Act;
- (p) the devolution of the title of any person entitled to be registered as owner but not so registered, where application has been made for the registration of ownership on transmission on the death of a registered full owner or on cessation of a limited ownership;
- (q) the cancellation of a caution or inhibition.

Value

6.—(1) For the purposes of this Order, value shall be determined in accordance with paragraphs (2) to (7) and Articles 7, 8 and 9.

(2) The value of any estate in land the subject of a dealing or application for first registration shall be such sum as that estate in the land would fetch if sold on the open market at the date of such dealing or application free from any mortgage or charge for payment of money other than a land purchase annuity and the evidence of such value may consist of—

- (a) a statement in writing signed by the applicant or his solicitor setting out the market value of that estate free from any mortgage or charge for payment of money other than a land purchase annuity; or
- (b) a statement of the purchase money set out in a deed transferring the relevant estate for full market value and executed within one year of the request for registration together with the amount due at the time of such transfer on foot of any mortgage or charge for payment of money other than a land purchase annuity and for the purpose of this sub-paragraph the amount of an annuity for life shall be ten times the greatest amount payable in one year and where the sale was made

wholly or partially in consideration of a rent charge or fee farm rent the capitalized value of that rent shall be ten times the amount of the annual rent.

(3) On making any entry or cancellation on a register where such entry or cancellation involves investigation of title to unregistered land and is not otherwise provided for in this Order, the value shall be the same as that in an application for a first registration of title to such unregistered land as determined in accordance with paragraph (2).

(4) On registration of a charge for payment of money or on transfer, transmission or cancellation of such a charge or on first registration in the register of subsidiary interests of the ownership of such a charge previously registered as a burden on any register, the value shall be—

- (a) where the amount of the charge is a definite sum and whether or not the charge also secures further advances, that sum;
- (b) where the charge is exclusively to secure an unascertained sum and the total amount to be owing at any one time is in any way limited, the amount so limited;
- (c) where the charge is exclusively to secure an unascertained sum and the total amount to be owing at any one time is in no way limited, £25,000;
- (d) where the charge is to secure an annuity, ten times the greatest amount payable in any one year.

(5) On registration, pursuant to Article 48 of the Judgments Enforcement (Northern Ireland) Order 1981, of notice of an order charging land imposed under Article 46 of that Order, the value shall be the same as in the case of registration of a charge pursuant to such an order.

(6) On registration of an exchange, the value shall be the combined value of the land exchanged determined in accordance with paragraph (2) excluding sub-paragraph (b).

(7) In a transaction relating solely to the estate of a person entitled as a tenant in common, joint tenant or coparcener, the value shall be the value of that person's estate and where a registered owner transfers his estate to himself and another as co-owners, the value shall be the value of the estate passing to the other person.

Fees on the merger of unregistered estates on first registration

7. Where an application for first registration is made following upon a transaction whereby two or more unregistered estates have merged the fee payable on the application shall be payable on the combined value of the superior and merged unregistered estates.

Charge secured on registered and unregistered land

8.—(1) Where a charge for payment of money is secured on unregistered land or other property as well as on registered land, the fee for registration of the charge or on transfer or transmission of such a charge or on first registration in the register of subsidiary interests of the ownership of such a charge previously registered as a burden on any register shall be payable on an amount calculated in accordance with the following formula:—

$$\frac{\text{Value of registered land}}{\text{Value of whole security}} \times \text{Total sum secured}$$

(2) The evidence of the values mentioned in paragraph (1) may consist of a statement of those values in writing signed by the applicant for registration or his solicitor.

Additional or substituted security or guarantee

9.—(1) Subject to paragraph (2), the fee for the registration of a charge by way of additional or substituted security or by way of guarantee or on transfer or transmission of such a charge or on first registration in the register of subsidiary interests of the ownership of such a charge previously registered as a burden on any register shall be payable on the amount secured or guaranteed.

(2) The amount on which such fee is to be payable shall not exceed the value of the additional or substituted land after deducting therefrom the amount secured on it by any prior registered charge.

Instruments relating to several folios

10.—(1) Where an instrument relating to several folios is presented for registration in some or one only of those folios, the fee shall be the same as that which would have been payable if it were being registered in all the folios to which it related.

(2) If application is made subsequently to register such instrument in any of the other folios to which it relates, a further fee of £20 shall be payable on each such application.

Application to the Crown

11. Subject to the provisions of the Act, this Order shall bind the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 23rd November 1988.

(L.S.)

R. H. Mackenzie

Under Secretary

The Department of Finance and Personnel hereby approves the foregoing Order.

Sealed with the Official Seal of the Department of Finance and Personnel on 23rd November 1988.

(L.S.)

Joan O. M. Frame

Assistant Secretary

SCHEDULE

Article 3(1)

PART I

Scale Fees

1. Subject to paragraph 3, on an application to register any of the transactions specified in paragraph 2, the fee shall be based on the value and calculated in accordance with the following Scale—

SCALE	
<i>Value</i>	<i>Fee</i>
Where the value does not exceed £5,000	... £25 (minimum fee)
Where the value exceeds £5,000	... £25 for the first £5,000 and £25 for every £5,000 or part thereof exceeding £5,000 with a maximum fee of £350

2. The transactions are—

- (a) first registration of any title;
- (b) change of ownership under section 36 of the Act, excluding an application referred to in paragraph 5(j);
- (c) change of ownership under section 53 of the Act;
- (d) a transfer, exchange or charge or a notice under Article 48 of the Judgments Enforcement (Northern Ireland) Order 1981;
- (e) any application involving the investigation of the title to unregistered land, except the investigation of title referred to in paragraph 5(l).

3.—(1) On an application to register any of the following transactions—

- (a) first registration, under Part II of the Rules, of a title in the register of leaseholders with a good leasehold or a possessory title or in the register of subsidiary interests of a leasehold estate with a good leasehold or a possessory title where the application is made by the original lessee or his personal representative;
- (b) first registration under Part II of the Rules where first registration is compulsory;
- (c) a charge included in, or presented for registration at the same time as, a transfer or lease of the same land;

the fee payable under paragraph 1 shall be reduced by 50% or to the minimum fee, whichever is the greater.

(2) The minimum fee shall be payable for the registration of documents effecting a change of trustees and documents whereby registered co-owners transfer estates in the land to themselves.

PART II

Fixed Fees

Reclassification of title

4. The fees set out hereunder shall be payable in respect of reclassification of title—

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| (a) application for reclassification of title where the application is made under Rule 25 in a case in which no alteration, other than the class of title registered, is required to be made on the register, or under Rule 26 | ... | £10·00 |
| (b) application to reclassify as an absolute title— | | |
| (i) a title registered in the register of leaseholders as a good leasehold title where the lessor or his successor in title is, at the date of the application, registered as owner with an absolute title; or | | |
| (ii) a title registered in the register of subsidiary interests as a good fee farm grant, or a good leasehold, title where the grantor of the interest or his successor in title is, at the date of the application, registered as owner with an absolute title | ... | £25·00 |
| (c) application for reclassification of title not otherwise provided for— | | |
| (i) where the value does not exceed £10,000 | ... | £25·00 |
| (ii) where the value exceeds £10,000 | ... | £50·00 |

Registrations

5. The fees set out hereunder shall be payable in respect of the following transactions—

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| (a) application for the entry of a caution against first registration | ... | £25·00 |
| (b) application to register a lease as a burden or notice of a lease as a burden (excluding a lease solely of an easement or profit-à-prendre) | ... | £60·00 |
| (c) application to enter or cancel a notice of deposit of a certificate of title or a lien in respect thereof including the entry of an inhibition (if any) entered in accordance with Rule 132(3) | ... | £25·00 |
| (d) request of a registered owner to transfer part or all of the lands in a folio or folios to a new folio or lands in several folios to a Folio Book or lands in a Folio Book to separate folios — per folio from which land is to be transferred | ... | £10·00 |
| (e) application to make boundaries conclusive in accordance with Rule 139 or 140 | ... | £25·00 |
| (f) application to register the transmission on the death of one or several joint tenants in accordance with Rule 60 or of a registered limited owner | ... | £25·00 |
| (g) application to register the transmission on the death of a registered full owner other than a joint tenant— | | |
| (i) where the value does not exceed £10,000 | ... | £25·00 |
| (ii) where the value exceeds £10,000 | ... | £50·00 |

(h) application for cancellation on a folio of a charge or a notice under Article 48 of the Judgments Enforcement (Northern Ireland) Order 1981—	
(i) where the value does not exceed £500	... NIL
(ii) where the value exceeds £500 but does not exceed £5,000	... £10·00
(iii) where the value exceeds £5,000	... £25·00
(i) application to cancel on a folio one or more rights of residence user or maintenance and any alternative payments in lieu thereof	... £25·00
(j) application to register the ownership of registered land acquired by vesting order by a government department or by other body having powers of compulsory acquisition — per folio affected by the vesting order	... £50·00
(k) application to make any entry or cancellation on a register not otherwise provided for in this Order where the investigation of title to unregistered land is not involved	... £25·00
(l) application to cancel a burden on registered land where the title to unregistered land which had the benefit of such burden requires to be investigated	... £25·00

Land certificates and certificates of charge

6. The fees set out hereunder shall be payable in respect of the following applications—

(a) application for the first issue of a land certificate or certificate of charge except in the case of—	
(i) a certificate of charge endorsed on an instrument in accordance with Rule 118, or	
(ii) a new land certificate or certificate of charge issued in substitution for an existing certificate or a certificate lost or destroyed	... £10·00
(b) application for the issue of a certificate of charge endorsed on an instrument in accordance with Rule 118	... £ 2·00
(c) application for the issue of a new land certificate or certificate of charge in substitution for an existing certificate except where such new certificate is issued on revision of a folio in accordance with Rule 5(3) or on making a new edition of the folio pursuant to Rule 10	... £10·00
(d) application for an order for production of a land certificate or certificate of charge, including any order made on any such application	... £10·00
(e) application to dispense with production of a land certificate or certificate of charge	... £25·00
(f) application for the issue of a new land certificate or certificate of charge in substitution for a certificate lost or destroyed, including the issue of such new certificate	... £35·00

Inspection, copies and searches

7. The fees set out hereunder shall be payable in respect of inspection, copies and searches—

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| (a) requisition entitling the holder to inspect, in one day only, up to six of the following matters in any combination— | |
| (i) the index of lands in respect of one parcel of land | |
| (ii) the index of names in respect of one name | |
| (iii) one folio | |
| (iv) one instrument filed in connection with any entry or cancellation on a folio or registry map | |
| (v) the registry maps relating to one folio and | |
| (vi) the record maintained under Rule 130 of lost or destroyed certificates of title | £ 2·00 |
| (b) uncertified copy of or extract from a folio or any other document other than a map or plan lodged in the Registry | £ 4·00 |
| (c) certified copy of or extract from a folio or any other document other than a map or plan lodged in the Registry | £ 8·00 |
| (d) uncertified copy of the registry map relating to one folio or one entry number in a Schedule Folio | £ 5·00 |
| (e) uncertified copy of a registry map relating to the lands in more than one folio or more than one entry number in a Schedule Folio or a map or plan lodged in the Registry— | |
| (i) where the copy is of normal size, for each such copy | £ 5·00 |
| (ii) where the copy is not of normal size in length or breadth — for each sheet of paper of normal size necessary to provide such copy | £ 5·00 |
| (f) certified copy of or extract from the registry map relating to one folio or one entry number in a Schedule Folio | £15·00 |
| (g) certified copy of or extract from a registry map relating to the lands in more than one folio or more than one entry number in a Schedule Folio or a map or plan lodged in the Registry— | |
| (i) where the copy or extract is of normal size, for each such copy or extract | £15·00 |
| (ii) where the copy or extract is not of normal size in length or breadth, and for each such copy or extract— | |
| (A) for the first sheet of paper of normal size necessary to provide the copy or extract | £15·00 |
| (B) for each additional sheet of normal size required to provide the copy or extract | £ 5·00 |

(h) official search in accordance with Rule 169 in the index of names, including certificate of the result of such search— per name ...	£15·00
(i) official search in accordance with Rule 169 as to entries in a specified folio, including certificate of the result of such search ...	£15·00
(j) official search in the registry maps in accordance with Rule 170 including certificate of the result of such search ...	£15·00
(k) priority search in accordance with Rule 171 including certificate of the result of such search ...	£10·00
(l) search applied for by telephone in accordance with Rule 173 ...	£ 5·00

Miscellaneous fees

8. The fees set out hereunder shall be payable—

(a) issue of a summons by the Registrar ...	£20·00
(b) an affidavit or statutory declaration sworn or taken before the Registrar—	
(i) on each affidavit or statutory declaration ...	£ 4·00
(ii) on each exhibit thereto ...	£ 1·00
(c) application for delivery of a document to a solicitor in accordance with Rule 164 ...	£ 5·00
(d) application for approval of a draft document without a map or plan ...	£15·00
(e) application for approval of a draft document including a map or plan ...	£25·00
(f) application for approval of a map or plan ...	£10·00
(g) application, in accordance with Rule 141, to decide questions as to boundaries or extent of registered lands arising on transfer and including any entry or cancellation made on a register on any such application ...	£25·00

PART III

Statutory Charges Register

9. In relation to the Statutory Charges Register, the fees set out hereunder shall be payable—

(a) application for registration of a statutory charge ...	£40·00
(b) application for registration of a priority notice ...	£20·00
(c) application to modify any entry in the register (excluding cancellation of a charge or priority notice) ...	£20·00
(d) official search including certificate of the result of the search ...	£15·00
(e) personal search, entitling the person to search in one day only in—	

(i) the indices to the Statutory Charges Register and any one part of that Register, and	
(ii) the indices to the statutory charges map and the maps relating to one part of the Statutory Charges Register	£ 2·00
(f) search applied for by telephone in accordance with Rule 202	£ 5·00
(g) copy of or extract from the Statutory Charges Register excluding the statutory charges map—	
(i) where the copy does not exceed four pages	£ 4·00
(ii) for each additional page or part thereof after the fourth	£ 1·00
(h) certifying any copy of or extract from the Statutory Charges Register (excluding the statutory charges map) issued from the Registry	£ 4·00
(i) copy of or extract from the statutory charges map—	
(i) where the copy or extract is of normal size, for each such copy or extract	£ 5·00
(ii) where the copy or extract is not of normal size in length or breadth — for each sheet of paper of normal size necessary to provide such copy or extract	£ 5·00
(j) certifying any copy of or extract from the statutory charges map issued from the Registry	£10·00

Meaning of “normal size”

10. In the Schedule “normal size” in relation to a document means 210 millimetres by 297 millimetres.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order prescribes the fees to be taken in the Land Registry for the purpose of the Land Registration Act (Northern Ireland) 1970 and the manner in which those fees are to be paid.

The Order revokes the Land Registry (Fees) Order (Northern Ireland) 1982 and makes fresh provisions including the following:—

- (a) a single scale (commencing with a higher minimum fee and progressing to the maximum fee in fewer stages) replaces the six scales set out in the Land Registry (Fees) Order (Northern Ireland) 1982 and the number of transactions where fees are payable in accordance with a scale has been reduced;
- (b) fixed fees are now payable on applications for the registration of leases as burdens, transmissions and reclassifications of title where they were formerly calculated by reference to scales;
- (c) fees are no longer payable on the cancellation of a caution or inhibition or on cancellation of a charge the value of which does not exceed £500;
- (d) where a charge is exclusively to secure an unascertained sum and the total amount to be owing at any time is in no way limited the fee will be calculated on a notional value of £25,000 instead of £8,000;
- (e) fees are now payable on charges on leasehold estates created out of registered holdings where the charges arose before first registration;
- (f) fees also become payable on an application to inspect the record of lost or destroyed certificates of title, and an application to modify an entry in the Statutory Charges Register;
- (g) the full fee is required on lodgment of the transaction, the provision for payment on account and an undertaking to pay the balance having been abolished and any overpayment exceeding £5.00 shall be refunded;
- (h) transactions by the Crown are no longer exempt.

Although fees have been reduced or abolished for some transactions, most fees are increased and it is anticipated that the resulting overall increase in the total amount of fees received in the Land Registry will be approximately 30%.