

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the fees payable in relation to registering, recording or entering in registers under the management and control of the Keeper of the Registers of Scotland, access to those registers and information made available by the Keeper.

It replaces the instruments providing for fees payable to the Keeper and sets fees for new products required by the Land Registration etc. (Scotland) Act 2012 (“the 2012 Act”).

Article 3 provides for the fees payable for:—

- registering a deed or plot of land in the Land Register of Scotland (Parts 1 and 3 of Schedule 1);
- recording a deed in the Register of Sasines (Parts 2 and 3 of Schedule 1);
- registering a document in the Chancery and Judicial Registers (Part 4 of Schedule 1);
- registering a croft, common grazing or land held runrig in the Crofting Register (Part 5 of Schedule 1);
- registering a tenant’s interest in acquiring land in the Register of Community Interests in Land for the purposes of the Agricultural Holdings (Scotland) Act 2003 (Part 6 of Schedule 1);
- access to and information from any register under the management and control of the Keeper (Part 7 of Schedule 1).

No fee is charged in relation to electronic access (other than in respect of requests made in person at a Registers of Scotland Customer Service Centre) to the Crofting Register, the Register of Community Interests in Land and the Register of Sites of Special Scientific Interest.

Fees charged by the Keeper before this Order comes into force remain the same, except for—

- rejections and cancellations of registration applications are charged at £30 or a fee not exceeding £400 respectively; under the Order both cancellations and rejections become subject to a fee of £30 (paragraph 3(1) of Schedule 1);
- an application for registration or recording of receipts under the Industrial and Provident Societies Act 1965 is charged at £0.25; under the Order no fee will be charged (paragraph 8 of Schedule 1);
- the Register of Community Interests in Land charges separate fees for each page of an extract (£0.50), plan of different sizes (£2 or £5), authentication (£4) and handling additional extracts and copies (£6); under the Order these fees are aligned with other fees charged by the Keeper to £30 for an extract and £16 for a plain copy;
- search requests using the Keeper’s Customer Services Centre are charged separately for a request in writing (£8) or in person (£12) with a fee for each title searched against (£3) and each copy deed printed from Registers Direct (£3); under the Order inspection fees of £20 and £30 are charged for requests in writing or in person, respectively, for each title searched against whether or not it produces a nil return, combined with an entitlement to one plain copy (Part 7 of Schedule 1).

Article 4 authorises the Keeper to vary any fee by a maximum amount of £10 to increase it in circumstances where it is necessary to protect the Keeper’s financial position or decrease it where there would be no impact on the Keeper’s financial position. The variation would subsist for a maximum period of 2 years or 1 year, respectively and be subject to consultation with the Scottish Ministers and providing customers with 3 months’ notice on the Keeper’s website.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Registers of Scotland (Fees) Order 2014 No. 188*

Article 5 and Schedule 2 revoke the instruments providing for fees payable to the Keeper and article 6 makes savings in respect of applications and requests for information made before that revocation. Section 108(3) of the 2012 Act also allows the Keeper to charge fees for consultancy, advisory and other commercial services.

A Business Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from Registers of Scotland, Meadowbank House, 153 London Road, Edinburgh EH8 7AU.