
STATUTORY INSTRUMENTS

1988 No. 665

The Land Registration Fee Order 1988

PART I

Citation, commencement and interpretation

1.—(1) This Order, which supersedes the Land Registration Fee Order 1986(1), may be cited as the Land Registration Fee Order 1988 and shall come into force on 1988.

(2) In this Order unless the context otherwise requires:

“account holder” means a person or firm holding a credit account;

“the Act” means the Land Registration Act 1925;

“charge” includes sub-charge;

“compulsory area” means an area in which registration of title is compulsory on sale;

“credit account” means an account authorised by the Registrar under article 15(1);

“licensed conveyancer” has the same meaning as in section 11(2) of the Administration of Justice Act 1985(2) and includes a recognised body within the meaning of section 32(2) of that Act;

“monetary consideration” means a consideration in money or money’s worth (other than a nominal consideration or a consideration solely of a covenant to pay money owing under a mortgage);

“scale fee” means a fee payable in accordance with a scale set out in Schedule 1 or 2;

“Schedule” means a Schedule to this Order;

“share in registered land” means a share in the proceeds of sale of registered land held on trust for sale.

PART II

SCALE AND FIXED FEES; ABATEMENTS AND EXEMPTIONS

Scale fees

2.—(1) Subject to article 6(1), the fee for an application for the first registration of a title (other than an application by an original lessee referred to in paragraph (2) of this article or an owner of a rentcharge referred to in paragraph 6 of Part I of Schedule 3) shall be paid in accordance with Scale A in Schedule 1 on the value of the land determined in accordance with article 3.

(2) Subject to article 6, the fee for an application for the first registration of a title to a lease (whether or not deriving from a registered freehold or leasehold title) by the original lessee or

(1) S.I. 1986/1399.

(2) 1985 c. 61.

his personal representative shall be paid in accordance with Scale A in Schedule 1 on any money payment made by the lessee as part of the same transaction by way of fine, premium or otherwise and in accordance with Scale B in Schedule 2 on the largest ascertainable amount of annual rent reserved: Provided that—

- (a) where the amount of the rent is not ascertainable at the date of application for registration, the lease shall be treated as having been granted at a rent which attracts a fee of £25 in accordance with Scale B in Schedule 2;
 - (b) where no money payment is made by the lessee as part of the same transaction by way of fine, premium or otherwise and no annual rent is reserved or the largest ascertainable amount of annual rent reserved is less than £1 a fee of £25 shall be payable.
- (3) Subject to paragraph (5)(g) and to article 6(3), the fee for an application for the registration of:
- (a) a transfer of registered land or of a registered charge for monetary consideration;
 - (b) a transfer for the purpose of giving effect to the disposition for monetary consideration of a share in registered land or in a registered charge;
 - (c) a surrender of a registered lease for monetary consideration (whether effected by deed or otherwise);

shall be paid in accordance with Scale A in Schedule 1 on the amount or value of the consideration: Provided that, where a sale and sub-sale of land are effected by one instrument of transfer, the fee shall be assessed upon the consideration paid by the sub-purchaser in respect of that land.

- (4) The fee for an application for the registration of:
- (a) an exchange (whether or not money is paid for equality);
 - (b) a surrender of a registered lease otherwise than for monetary consideration (whether effected by deed or otherwise);
 - (c) a vesting order or declaration made under section 47 of the Act;

shall be paid in accordance with Scale A in Schedule 1 on the value of the land in each registered title which is the subject of the dealing, determined in accordance with article 4, but after deducting therefrom the amount secured upon the land by any prior charge.

- (5) Subject to paragraph 7 of Part II of Schedule 4, the fee for an application for the registration of:
- (a) a transfer of registered land otherwise than for monetary consideration;
 - (b) a transfer for the purpose of giving effect to the disposition otherwise than for monetary consideration of a share in registered land;
 - (c) a transmission on death or bankruptcy;
 - (d) an assent (including a vesting assent);
 - (e) an appropriation;
 - (f) a rectification of the register;
 - (g) a transfer of a matrimonial home made pursuant to an order of the Court;

shall be paid in accordance with Scale A in Schedule 1, reduced in accordance with Abatement 2 in Part I of Schedule 4, on the value of the land in each registered title which is the subject of the dealing, determined in accordance with article 4, but after deducting therefrom the amount secured upon the land by any prior charge:

Provided that in the case of a disposition of only a share in registered land the fee shall be paid in accordance with Scale A in Schedule 1, reduced in accordance with Abatement 2 in Part I of Schedule 4, on the equivalent proportion of the value of the land in each registered title which is the subject of the dealing but after deducting therefrom an equivalent proportion of the amount secured on the land by any prior charge.

(6) Subject to article 6(3) and paragraph 7 of Part II of Schedule 4, the fee for an application for the registration of:

- (a) a charge;
- (b) the transfer of a charge otherwise than for monetary consideration;
- (c) a transfer for the purpose of giving effect to the disposition otherwise than for monetary consideration of a share in a registered charge;

shall be paid in accordance with Scale A in Schedule 1 on the amount of the charge determined in accordance with article 5:

Provided that in the case of a disposition of only a share in a registered charge the fee shall be paid in accordance with Scale A in Schedule 1 on the equivalent proportion of the amount of each registered charge which is the subject of the dealing.

(7) The fee for an application to cancel an entry in the register of notice of an unregistered lease which has determined on merger, surrender or otherwise shall be paid in accordance with Scale A in Schedule 1 on the value thereof at the time of its determination.

Valuation (first registration)

3.—(1) In the case of an application by a purchaser for the first registration of title to land made within one year of a sale (other than an exchange, whether or not money is paid for equality, or the sale of a share only in the proceeds of sale of such land) the value of the land shall be taken as the amount of the purchase money together with the amount outstanding at the time of the purchase under any charge or mortgage subject to which the land was purchased.

(2) In the case of an application for first registration not falling within paragraph (1), the value of the land shall be ascertained by the Registrar at such sum as in his opinion the land would fetch if sold in the open market at the date of the application free from any charge or mortgage; and as evidence of such value the Registrar may require a statement in writing, signed by the applicant or his solicitor or licensed conveyancer or by any other person who, in the Registrar's opinion, is competent to make such a statement.

(3) Where an application for first registration is made on the purchase of a leasehold estate by the reversioner or of a reversion by the leaseholder or on any other like occasion and merger of an unregistered interest takes place, the value of the land shall be the combined value of the reversionary and merged interests determined in accordance with paragraphs (1) and (2).

Valuation (registered land)

4. Where the value of the land in a registered title falls to be determined under this Order it shall be ascertained by the Registrar at such sum as in his opinion the land would fetch if sold in the open market at the date of the application free from any charge or mortgage; and as evidence of such value the Registrar may require a statement in writing, signed by the applicant or his solicitor or licensed conveyancer or by any other person who, in the Registrar's opinion, is competent to make such a statement.

Valuation (charges)

5.—(1) Where the amount of a charge falls to be determined under this Order it shall be taken to be:

- (a) in the case of a fixed charge, the amount secured by the charge;
- (b) in the case of a charge to secure further advances, where the total amount of the advances or of the money to be owing at any one time is in any way limited, the amount so limited;

- (c) in the case of a charge to secure further advances, where the total amount of the advances or of the money to be owing at any one time is in no way limited, an amount equal to the value of the registered land comprised in the charge after deducting therefrom the amount secured on it by any prior registered charge.

(2) Where a charge of a kind referred to in paragraph (1)(a) or (1)(b) is secured on unregistered land or other property as well as on registered land, the fee in accordance with article 2(5) shall be payable on an amount calculated in accordance with the following formula:

$$\frac{\text{Value of registered land}}{\text{Value of whole security}} \times \text{Amount of the charge}$$

(3) The fee in accordance with Scale A in Schedule 1 for the registration of a charge by way of additional or substituted security or by way of guarantee shall be payable on the lesser of:

- (a) the amount secured or guaranteed; or
- (b) the value of the land after deducting the amount secured on the land by any prior registered charge.

Large scale applications

6.—(1) Where an application for:

- (a) first registration of title to land; or
- (b) first registration of title to a lease of unregistered land;

relates to a title or lease comprising not fewer than 100 separate areas of land the fee payable in respect of such application shall be either £5 in respect of each such separate area of land or the amount payable under article 2, whichever is the greater.

(2) For the purpose of paragraph (1) any land occupied together with a dwelling or a commercial or industrial unit shall be treated as forming part of the same separate area of land as that dwelling or commercial or industrial unit.

(3) Where an application for:

- (a) first registration of title to a lease of registered land;
- (b) registration of a transfer of registered land or of a registered charge for monetary consideration;
- (c) registration of a transfer for the purpose of giving effect to the disposition for monetary consideration of a share in registered land or in a registered charge; or
- (d) registration of a charge;

relates to land comprised in not less than 100 registered titles the fee payable in respect of such application shall be either £5 in respect of each such title or the amount payable under article 2, whichever is the greater.

Fixed fees

7.—(1) The fees for the applications and services specified in Schedule 3 shall be those set out in that Schedule.

(2) The Registrar may, if he thinks fit, waive or remit any fee or part of a fee or any category of fee payable under this article.

Abatements and exemptions

8.—(1) The abatements set out in Part I of Schedule 4 shall apply in respect of the applications therein mentioned.

(2) No fee shall be payable in respect of any of the applications and services specified in Part II of Schedule 4.

PART III

GENERAL AND ADMINISTRATIVE PROVISIONS

Refund of fees

9.—(1) Where an amount exceeding the prescribed fee has been paid, there shall be refunded any excess remaining after the deduction, if the Registrar so directs, of an amount not exceeding £10 in respect of the cost of repayment.

(2) Where the person or firm lodging the application is an account holder, any amount to be refunded under paragraph (1) may at the discretion of the Registrar be repaid to the account holder by crediting the amount to the account holder's credit account.

(3) Subject to article 10(2), if any application is cancelled or withdrawn no part of the fee therefor shall be refunded unless the Registrar so directs.

Exceptional work and costs

10.—(1) If the Registrar considers that an application for:

- (a) a search of the index map;
- (b) first registration (other than an application founded upon an assurance inducing compulsory registration of title); or
- (c) conversion from one class of title to another;

entails an exceptional amount of work, such fee or additional fee shall be payable as the Registrar shall direct without having regard to any maximum fee.

(2) Notification of the fee or additional fee shall be given to the applicant and, if he then elects to withdraw his application, any fee already paid thereon shall be refunded.

(3) If in the course of dealing with any application, the Registrar directs publication of an advertisement, the making of a survey (other than a survey to identify on the ordnance map land which is registered or is required to be registered under section 123 of the Act or is in a compulsory area) or any other special enquiry, the costs so incurred shall be defrayed by the applicant unless the Registrar directs to the contrary.

Fixed boundaries

11. Where application is made for the boundaries of land to be noted on the register as fixed under rule 277 of the Land Registration Rules 1925(3) such fee shall be charged as the Registrar may consider necessary to cover the cost of any examination of title, enquiries, mapping, surveying, notices or other work involved.

Special expedition

12. Where application for special expedition in connection with an application is granted, such further fee, being not less than £25, shall be payable as the Registrar shall direct having regard to the special work involved.

Applications not otherwise referred to

13. Upon an application for which no other fee is payable under this Order and which is not exempt from payment, there shall be paid such fee (if any) not exceeding a fee in accordance with Scale A in Schedule 1 on the value of the land or on the amount of the charge as the Registrar shall direct having regard to the work involved.

Method of payment

14. Subject to article 15:

- (a) every fee shall be paid by means of a cheque or postal order crossed and made payable to H. M. Land Registry;
- (b) where a fee is paid by means of cheque and it comes to the notice of the Registrar before the application has been completed that the cheque has not been honoured, the application may be cancelled;
- (c) where the amount of a fee payable on an application is immediately ascertainable, the fee shall be paid on delivery of the application;
- (d) where the amount of a fee payable on an application is not immediately ascertainable, on delivery of the application there shall be paid on account of the fee such sum, being not less than the minimum fee payable in accordance with Scale A in Schedule 1, as the applicant may reasonably estimate to be the fee payable and there shall be lodged therewith an undertaking to pay on demand the balance of the fee due, if any.

Credit accounts

15.—(1) Any person or firm may, if authorised by the Registrar, use a credit account in accordance with this article for the purpose of the payment of fees for applications and services of such kind as the Registrar shall from time to time direct.

(2) Where an account holder makes an application in respect of which credit facilities are available, he may make a request, in such manner as the Registrar shall direct, for the appropriate fee to be debited to the account holder's credit account.

(3) A statement of account shall be sent by the Registrar to each account holder at the end of each calendar month or such other period as the Registrar shall direct either in any particular case or generally.

(4) On receipt of the statement and if no question arises thereon the account holder shall pay by cheque any sum due on his account forthwith.

(5) Cheques shall be crossed and made payable to H. M. Land Registry and sent to the Accounts Section, H. M. Land Registry, Burrington Way, Plymouth, PL5 3LP or at such other address as the Registrar shall direct.

(6) The Registrar may at any time and without giving reasons terminate or suspend any or all authorisations given under paragraph (1).

Dated 23rd March 1988

Mackay of Clashfern, C.

Dated 29th March 1988

Peter Lloyd
David Lightbown
Two of the Lords Commissioners of Her
Majesty's Treasury