

1990 No. 1256 (S.138)

REGISTERS AND RECORDS, SCOTLAND

**Fees in the Department of the Registers of Scotland
(Amendment) Order 1990**

Made - - - - - *5th June 1990*
Coming into force *4th July 1990*

The Secretary of State, in exercise of the powers conferred on him by section 25 of the Land Registers (Scotland) Act 1868(a) and of all other powers enabling him in that behalf and with the consent of the Treasury, hereby makes the following Order:

1. This Order may be cited as the Fees in the Department of the Registers of Scotland (Amendment) Order 1990 and shall come into force on 4th July 1990.
2. For the Table of Fees in the Schedule to the Fees in the Department of the Registers of Scotland Order 1981(b) there shall be substituted the Table of Fees set out in the Schedule to these Regulations.

St. Andrew's House, Edinburgh
23rd May 1990

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

We consent,

5th June 1990

John Taylor
Kenneth Carlisle
Two of the Lords Commissioners of Her Majesty's Treasury

(a) 1868 c.64; section 25 was substituted by section 23 of the Land Registration (Scotland) Act 1979 (c.33).
(b) S.I. 1981/42.

TABLE OF FEES IN THE DEPARTMENT OF THE REGISTERS OF
SCOTLAND

PART I – LAND REGISTER OF SCOTLAND

1. REGISTRATION FEES

A. Interests in land other than heritable securities

When application is made for

- (a) registration of an unregistered interest in land in pursuance of section 2(1) of the Act;
- (b) registration of the creation over a registered interest in land of a liferent or an incorporeal heritable right in pursuance of section 2(3) of the Act; or
- (c) registration of any transfer of a registered interest in land (not being a heritable security) in pursuance of section 2(4) of the Act,

the fee shall be calculated as follows:–

- (i) where the interest in land to which the registration relates has been created, granted or transferred for a consideration, on the amount of the consideration or the value of that interest, whichever is the greater, or
 - (ii) in any other case, on the value of the interest in land to which the registration relates,
- at the rate of £11.00 for every £5,000 or part of £5,000, subject to a minimum of £22.00 and a maximum of £550.00, as shown in the following Table.

TABLE

<i>Consideration or value</i>	<i>Fee</i>		<i>Consideration or value</i>	<i>Fee</i>	
	£	£		£	£
does not exceed	10,000	22.00	does not exceed	135,000	297.00
” ”	15,000	33.00	” ”	140,000	308.00
” ”	20,000	44.00	” ”	145,000	319.00
” ”	25,000	55.00	” ”	150,000	330.00
” ”	30,000	66.00	” ”	155,000	341.00
” ”	35,000	77.00	” ”	160,000	352.00
” ”	40,000	88.00	” ”	165,000	363.00
” ”	45,000	99.00	” ”	170,000	374.00
” ”	50,000	110.00	” ”	175,000	385.00
” ”	55,000	121.00	” ”	180,000	396.00
” ”	60,000	132.00	” ”	185,000	407.00
” ”	65,000	143.00	” ”	190,000	418.00
” ”	70,000	154.00	” ”	195,000	429.00
” ”	75,000	165.00	” ”	200,000	440.00
” ”	80,000	176.00	” ”	205,000	451.00
” ”	85,000	187.00	” ”	210,000	462.00
” ”	90,000	198.00	” ”	215,000	473.00
” ”	95,000	209.00	” ”	220,000	484.00
” ”	100,000	220.00	” ”	225,000	495.00
” ”	105,000	231.00	” ”	230,000	506.00
” ”	110,000	242.00	” ”	235,000	517.00
” ”	115,000	253.00	” ”	240,000	528.00
” ”	120,000	264.00	” ”	245,000	539.00
” ”	125,000	275.00	” ”	250,000	550.00
” ”	130,000	286.00	exceeds	250,000	550.00

Notes

1. Where the consideration consists of a feu duty, rent, ground annual or other yearly or periodical payment, the amount of that consideration shall be the capitalised amount of the payment, calculated at 20 years' purchase.

2. Where an excambion is effected by more than one deed, a fee will be charged in respect of each deed on the value of the interest in land transferred thereby. Where an excambion is effected by one deed, the fee will be calculated on the total value of the interests in land transferred thereby.

B. Heritable securities

Where application is made for

- (a) registration of the creation over a registered interest in land of a heritable security in pursuance of section 2(3) of the Act; or
- (b) registration of the transfer, postponement, corroboration or extinction of, or other dealing with, a heritable security in pursuance of section 2(4) of the Act,

the fee shall be calculated as follows:-

- (i) on the amount of the heritable security or securities created, transferred, postponed, corroborated, discharged or otherwise dealt with; or
- (ii) where there is any combination of transfer, postponement, corroboration, discharge of and other dealing with a heritable security or securities, on the amount of the heritable security or securities affected by such combination,

at the rate of £11.00 for every £10,000 or part of £10,000, subject to a minimum of £22.00 and a maximum of £275.00, as shown in the following Table.

<i>Amount</i>	<i>£</i>	<i>Fee</i>	<i>Amount</i>	<i>£</i>	<i>Fee</i>
does not exceed	20,000	22.00	does not exceed	140,000	154.00
" "	30,000	33.00	" "	150,000	165.00
" "	40,000	44.00	" "	160,000	176.00
" "	50,000	55.00	" "	170,000	187.00
" "	60,000	66.00	" "	180,000	198.00
" "	70,000	77.00	" "	190,000	209.00
" "	80,000	88.00	" "	200,000	220.00
" "	90,000	99.00	" "	210,000	231.00
" "	100,000	110.00	" "	220,000	242.00
" "	110,000	121.00	" "	230,000	253.00
" "	120,000	132.00	" "	240,000	264.00
" "	130,000	143.00	" "	250,000	275.00
			exceeds	250,000	275.00

Notes

1. Where a heritable security secures a yearly or periodical payment, the amount of the heritable security shall be the capitalised amount of the payment, calculated for perpetual payments at 20 years' purchase and for liferent payments according to the value of the expectancy.

2. Where an application for the registration of a Standard Security accompanies an application for the registration of a heritable title to the same subjects, the fee for the registration of the Standard Security will be £22.00.

3. Where a Discharge, a Discharge and Deed of Restriction or a Deed of Restriction of a Standard Security or of a Bond and Disposition in Security, or a Discharge of a heritable security constituted by *ex facie* absolute conveyance accompanies an application for the registration of a heritable title to the same subjects, the fee for the registration of these accompanying security deeds will be £22.00.

4. Where two or more Standard Securities or Discharges thereof are registered in respect of one loan, a fee for the full amount of the loan will be charged on one writ and a fee of £22.00 will be charged on each of the others. This arrangement applies only to Standard Securities and Discharges thereof.

5. In the case of a Discharge and Deed of Restriction registered on its own the fee will be charged on the amount of the Discharge.

6. In the case of a Deed of Restriction registered on its own there will be a fee of £22.00.

7. In the case of a Variation of a Standard Security there will be a fee of £22.00, except where the amount secured by the Standard Security is increased, in which case the fee will be charged on the amount of the increase.

C. Miscellaneous transactions and events

Registration of miscellaneous transactions and events not coming under head A or B above:-

- (1) Notice of Payment of Grant £22.00
 - (2) Receipt registered in terms of the Industrial and Provident Societies Act 1965 (c.12) £ 0.25
 - (3) Discharge of feu duty, ground annual or other yearly or periodical sum or Receipt for Redemption thereof £22.00
- Note:* If any such Discharge or Receipt is endorsed on or annexed to a relevant conveyance, no separate fee will be charged.
- (4) All other miscellaneous transactions and events £22.00

2. REPORTS

When application is made

- | | |
|---|--------|
| (a) on Form 10 for a Report or on Form 11 for continuation of Report prior to Registration | £15.00 |
| (b) on Form 12 for a Report or on Form 13 for continuation of Report over Registered Subjects | £15.00 |
| (c) on Form 14 for a Report to ascertain whether or not Subjects have been registered | £15.00 |

3. MISCELLANEOUS SERVICES

When application is made

- | | |
|---|--------|
| (a) on Form 5 for Noting of Overriding Interest or for entry of Other Information on the Register | £ 5.00 |
| (b) on Form 8 for Certificate of Title to be made to correspond with Title Sheet | £20.00 |
| (c) on Form 9 for Rectification of Register | No fee |
| (d) for comparison of a bounding description with the Ordnance Map | £15.00 |
| (e) for comparison of the boundaries on the Certificate Plan with the Ordnance Map | £15.00 |
| (f) for exhibition of a Title Sheet | £ 5.00 |
| (g) for checking the boundaries of adjoining properties | £15.00 |

PART II – GENERAL REGISTER OF SASINES

1. RECORDING FEES

A. Conveyances

Recording of conveyance, including absolute conveyance, voluntary or judicial, either for a price or as a gift or in implement of trust or other purpose, completion of title by decree or by Notice of Title, feu-right, lease, deed creating a ground annual or other yearly or periodical payment where there is a transfer of heritable subjects not in security, and generally all deeds transferring an absolute right to heritable subjects.

The fee shall be calculated as follows:–

- (a) in the case of a conveyance for a consideration, on the amount of the consideration or the value of the heritable subjects transferred or passing, whichever is the greater, or
- (b) in any other case, on the value of the heritable subjects transferred or passing,
- at the rate of £11.00 for every £5,000 or part of £5,000, subject to a minimum of £22.00 and a maximum of £550.00, as shown in the following Table.

TABLE

<i>Consideration or value</i>	<i>Fee</i>		<i>Consideration or value</i>	<i>Fee</i>	
	£	£		£	£
does not exceed	10,000	22.00	does not exceed	135,000	297.00
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” ”	90,000	198.00	” ”	215,000	473.00
” ”	95,000	209.00	” ”	220,000	484.00
” ”	100,000	220.00	” ”	225,000	495.00

does not exceed	105,000	231.00	does not exceed	230,000	506.00
„ „	110,000	242.00	„ „	235,000	517.00
„ „	115,000	253.00	„ „	240,000	528.00
„ „	120,000	264.00	„ „	245,000	539.00
„ „	125,000	275.00	„ „	250,000	550.00
„ „	130,000	286.00	exceeds	250,000	550.00

Notes

1. Where the consideration consists of a feu duty, rent, ground annual or other yearly or periodical payment, the amount of that consideration shall be the capitalised amount of the payment, calculated at 20 years' purchase.

2. Where an excambion is effected by more than one deed, a fee will be charged for each deed on the value of the subjects therein. Where an excambion is effected by one deed, the fee will be calculated on the total value of the subjects therein.

B. Securities

Recording of security, including the constitution, transfer, postponement, corroboration or extinction of a security, (but excluding a ground annual created by bilateral deed).

The fee shall be calculated as follows:—

(i) on the amount of the security or securities created, transferred, postponed, corroborated or discharged; or

(ii) where there is any combination of transfer, postponement, corroboration and discharge of a security or securities, on the amount of the security or securities affected by such combination.

at the rate of £11.00 for every £10,000 or part of £10,000, subject to a minimum of £22.00 and a maximum of £275.00, as shown in the following Table.

<i>Amount</i>	<i>£</i>	<i>Fee</i>	<i>Amount</i>	<i>£</i>	<i>Fee</i>
	<i>£</i>	<i>£</i>		<i>£</i>	<i>£</i>
does not exceed	20,000	22.00	does not exceed	140,000	154.00
„ „	30,000	33.00	„ „	150,000	165.00
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„ „	130,000	143.00	„ „	250,000	275.00
			exceeds	250,000	275.00

Notes

1. Where a security secures a yearly or periodical payment, the amount of the security shall be the capitalised amount of the payment, calculated for perpetual payments at 20 years' purchase and for liferent payments according to the value of the expectancy.

2. Where a Standard Security accompanies a conveyance to the granter of the security of the subjects over which the security is constituted, the fee for the recording of the Standard Security will be £22.00.

3. Where two or more Standard Securities or Discharges thereof are recorded in respect of one loan, a fee for the full amount of the loan will be charged on one writ and a fee of £22.00 will be charged on each of the others. This arrangement applies only to Standard Securities or Discharges thereof.

4. In the case of a Discharge and Deed of Restriction the fee will be charged on the amount of the Discharge.

5. In the case of a Deed of Restriction there will be a fee of £22.00.

6. In the case of a Variation of a Standard Security there will be a fee of £22.00, except where the amount secured by the Standard Security is increased, in which case the fee will be charged on the amount of the increase.

C. Miscellaneous writs

Recording of miscellaneous writs not coming under head A or B above:—

(1) Notice of Payment of Grant £22.00

(2) Receipt registered in terms of the Industrial and Provident Societies Act 1965	£ 0.25
(3) Discharge of feu duty, ground annual or other yearly or periodical sum or Receipt for Redemption thereof	£22.00
<i>Note: If any such Discharge or Receipt is endorsed on or annexed to a relevant conveyance, no separate fee will be charged.</i>	
(4) All other miscellaneous writs	£22.00
(5) Writ recorded by Memorandum	£ 2.00 for each Memorandum

2. SEARCHING FEES

Searches

For every Search for Incumbrances over subjects in one county included in one Search:—

	£
For any period not exceeding 5 years	6.00
from 6 to 10 years	7.00
„ 11 to 15 „	8.00
„ 16 to 20 „	10.00
„ 21 to 25 „	12.00
„ 26 to 30 „	14.00
„ 31 to 35 „	16.00
„ 36 to 40 „	18.00

In any Search for a period exceeding 40 years a fee of £0.55 will be charged for each year or part of a year beyond 40 years.

- Notes*
1. The above fees include writing fees.
 2. When a Search is required in respect of subjects situated in more than one county, half fees at the above rate will be charged for each additional county to which the Search applies.

Interim Reports

Interim Report prior to completion of Search	£ 3.00
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Reports from Search Sheets

For searching of any Search Sheet affecting one property	£ 5.00
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Note There is no charge for notes made by the party searching the Search Sheets.

PART III – GENERAL REGISTER OR HORNINGS

Registration fee	£ 4.30
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PART IV – REGISTER OF INHIBITIONS AND ADJUDICATIONS

Registration Fees

For a document of one page	£ 2.50
For each additional page	0.55

2. Searching Fees

For any period	£ 5.00
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Note The above fee includes writing fees.

PART V – REGISTER OF ENTAILS

Registration fee	£ 7.00
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PART VI – REGISTER OF DEEDS &C., REGISTER OF PROTESTS AND REGISTER OF JUDGMENTS

Registration Fees

(including recording, extracting and authentication fees)

	£
1. Deeds and Certificates of Judgments under the Civil Jurisdiction and Judgments Act 1982 (c.27)	
For a document of one page	3.70
For each additional page	0.75
2. Protest of a Bill or Promissory Note	2.90

PART VII – REGISTER OF SERVICE OF HEIRS

Registration Fee

(including recording, extracting and authentication fees)

	£
Decrees of Service	
For each page of Extract or part thereof	2.20

Note "Page" in the Register of Service of Heirs means a page of Record Volume.

PART VIII – REGISTER OF THE GREAT SEAL

Registration Fees

	£
For a Charter of Incorporation	133.00
For a Charter of Novodamus or other Crown Grant of land	21.00
For a Commission	131.00

PART IX – REGISTER OF THE CACHET SEAL

	£
For each impression	0.75

PART X – REGISTER OF THE PRINCE'S SEAL

Registration Fee

	£
For a Charter of Novodamus or other grant of land by the Prince and Steward of Scotland	23.00

PART XI – REGISTER OF THE QUARTER SEAL

Registration Fee

	£
For each Gift of Ultimus Haeres	16.80

PART XII – PRECEPT RECORD (CROWN) AND PRECEPT RECORD (PRINCE AND STEWARD OF SCOTLAND)

Registration Fee

	£
For each Writ of Clare Constat or other Grant	23.00

PART XIII – FEES APPLICABLE TO ALL REGISTERS (EXCEPT THE LAND REGISTER OF SCOTLAND)

Inspection Fees

	£
For the inspection of each index and volume (except the Search Sheet), document or process	4.00

Note Where fees have been paid to the Scottish Record Office for the inspection of minute books and indexes of the Register of Sasines, Register of Inhibitions and Adjudications or other public registers, no fee will be charged by the Department of the Registers of Scotland in respect of a continuation thereof to date.

PART XIV – FEES APPLICABLE TO ALL REGISTERS

Copying Fees

	£
1. For an official extract, certified copy, plain copy or duplicate	0.30 per sheet
2. For an office copy, within the meaning of section 6(5) of the Land Registration (Scotland) Act 1979, of a Title Sheet (or part thereof other than the plan) or any document referred to therein	0.30 per sheet
3. For a plan (A4 size)	0.65
For a plan (larger than A4 size)	A fee being the value of the work and materials involved.
4. Authentication	
For each official extract, certified copy, duplicate or office copy	2.50
5. Handling charge for second and subsequent extracts and for copies	3.00

Notes

1. Copying and authentication fees are included in the registration fees in Parts VI and VII of this Schedule.
2. The handling charge is remitted for orders placed at the time of registration.

Other Services

	£
1. For a record retransmitted or transmitted to any court or exhibited therein, at the instance of a party, in accordance with the Rules of Court governing such transmissions or exhibitions	3.50
2. For attendance by an officer of the Department at any court to produce a record in evidence, for each day or part of a day, in addition to travelling expenses	42.00
3. For each Certificate issued under the Civil Jurisdiction and Judgments Act 1982 (c.27)	2.60
4. For each Certificate of Custody that a deed is retained for permanent preservation	2.60
5. For any service not specifically listed above	A fee being the value of the work and materials involved.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases certain of the fees payable for the registration or recording of deeds in the registers under the management and control of the Keeper of the Registers of Scotland and will result in an average increase of 10% overall.

£1.70 net

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