
STATUTORY INSTRUMENTS

1990 No. 172

The Land Registration Fee Order 1990

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 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)(i) 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), except where the surrender is consideration or part consideration for the grant of a new lease to the registered proprietor;

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 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 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 surrender of a registered lease (whether effected by deed or otherwise) where the surrender is consideration or part consideration for the grant of a new lease to the registered proprietor;
- (d) a surrender of a registered lease otherwise than for monetary consideration (whether effected by deed or otherwise);
- (e) a transmission on death or bankruptcy;
- (f) an assent (including a vesting assent);
- (g) an appropriation;
- (h) a rectification of the register;
- (i) 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—

- (a) 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;
- (b) where, in the case of rectification of the register, the fee appears to the Registrar to be unreasonable or excessive he may reduce or waive it.

(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, reduced where applicable in accordance with Abatement 2 in Part I of Schedule 4, 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.—(1) 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 free from any charge or mortgage:

- (a) in the case of a surrender at a date immediately prior to the surrender;
- (b) in any other case at the date of the application.

(2) 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) Subject to paragraph (5), 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(6) 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.

(4) The fee in accordance with Scale A in Schedule 1 for the registration of a charge (not falling within paragraph (3)) to secure an obligation or liability which is contingent upon the happening of a future event shall be payable on the value of the land after deducting the amount secured on the land by any prior registered charge:

Provided that if the maximum amount or value of the obligation or liability which may arise is in any way limited under the charge and is capable of being ascertained at the time of the application to register the charge then the fee shall be payable on that amount or value, if less than the value of the land after deducting the amount secured on the land by any prior registered charge.

(5) For the purpose of this Order, where two or more charges are contained in the same instrument and secure the same debt, the chargor, or each of the several chargors if more than one, shall be treated as having effected a single charge the amount of which is equal to the lesser of:

- (a) the whole debt; or
- (b) the value of the registered land charged by the chargor after deducting therefrom the amount secured on it by any prior registered charge.

Larger 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 fewer 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) Subject to paragraphs (3) and (4), the fees for the applications and services specified in Schedule 3 shall be those set out in the schedule.

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

(3) If, having regard to the extent of the land to which an application for a search of the index map relates, the Registrar considers that the cost of the work involved in dealing with that application

would substantially exceed any fee otherwise payable under this Order, such additional fee shall be payable as the Registrar shall direct as appropriate to cover the excess cost of the work involved.

(4) Notification of the additional fee shall be given to the applicant and, if he then elects to withdraw his application, no fee shall be payable.

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.