
STATUTORY INSTRUMENTS

2003 No. 2092

The Land Registration Fee Order 2003

PART 2

Scale fees

Applications for first registration and applications for registration of a lease by an original lessee

2.—(1) The fee for an application for first registration is payable under Scale 1 on the value of the estate in land comprised in the application assessed under article 7 unless the application is—

- (a) for the registration of title to a lease by the original lessee or his personal representative, where paragraph (2) applies;
- (b) for the first registration of a rentcharge, where paragraph (4) applies;
- (c) for the first registration of a franchise or a profit, where paragraph (5) applies;
- (d) a voluntary application, where paragraph (6) applies; or
- (e) a large scale application or a large area application, where article 6 applies.

(2) The fee for an application for the registration of title to a lease (whether or not it is a registrable disposition) by the original lessee or his personal representative is payable under Scale 1—

- (a) on an amount equal to the sum of the premium and the rent; or
- (b) where
 - (i) there is no premium; and
 - (ii) either there is no rent or the rent cannot be quantified at the time the application is made,

on the value of the lease assessed under article 7 subject to a minimum fee of £40, unless either of the circumstances in paragraph (3) applies.

(3) Paragraph (2) shall not apply if the application is—

- (a) a voluntary application, where paragraph (6) applies; or
- (b) a large scale application or a large area application, where article 6 applies.

(4) The fee for an application for the first registration of a rentcharge is £40.

(5) The fee for an application for the first registration of a franchise or a profit is payable under Scale 1 on the value of the franchise or the profit assessed under article 7.

(6) The fee for a voluntary application is the fee which would otherwise be payable under paragraphs (1) and (2) for applications to which those paragraphs apply reduced by 25 per cent and, where the reduced fee would be a figure which includes pence, the fee must be adjusted to the nearest £10.

Transfers of registered estates for monetary consideration, etc.

- 3.—(1) Subject to paragraphs (2), (3) and (4), the fee for an application for the registration of—
- (a) a transfer of a registered estate for monetary consideration;
 - (b) a transfer for the purpose of giving effect to a disposition for monetary consideration of a share in a registered estate;
 - (c) a surrender of a registered leasehold estate for monetary consideration, other than a surrender to which paragraph (3) of Schedule 4 applies,

is payable under Scale 1 on the amount or value of the consideration.

(2) Paragraph (1) shall not apply if the application is—

- (a) a large scale application, where article 6 applies; or
- (b) for the registration of a transfer of a matrimonial home made pursuant to an order of the court, where article 4(1)(h) applies.

(3) Where a sale and sub-sale of a registered estate are made by separate deeds of transfer, a separate fee is payable for each deed of transfer.

(4) Where a single deed of transfer gives effect to a sale and a sub-sale of the same registered estate a single fee is assessed upon the greater of the monetary consideration given by the purchaser and the monetary consideration given by the sub-purchaser.

(5) The fee for an application to cancel an entry in the register of notice of an unregistered lease which has determined is payable under Scale 1 on the value of the lease immediately before its determination.

Transfers otherwise than for monetary consideration, etc.

4.—(1) Unless the application is a large scale application (where article 6 applies), the fee for an application for the registration of—

- (a) a transfer of a registered estate otherwise than for monetary consideration (unless paragraph (2) applies);
- (b) a surrender of a registered leasehold estate otherwise than for monetary consideration;
- (c) a transmission of a registered estate on death or bankruptcy;
- (d) an assent of a registered estate (including a vesting assent);
- (e) an appropriation of a registered estate;
- (f) a vesting order or declaration to which section 27(5) of the Act applies;
- (g) an alteration of the register (unless paragraph (3) applies); or
- (h) a transfer of a matrimonial home (being a registered estate) made pursuant to an order of the Court,

is payable under Scale 2 on the value of the registered estate which is the subject of the application, assessed under article 7, but after deducting from it the amount secured on the registered estate by any charge subject to which the registration takes effect.

(2) Where a transfer of a registered estate otherwise than for monetary consideration is for the purpose of giving effect to the disposition of a share in a registered estate the fee for an application for its registration is payable under Scale 2 on the value of that share.

(3) In any application for alteration of the register—

- (a) if it appears to the registrar that the fee is excessive, he may reduce it; and
- (b) if it appears to him unreasonable that the applicant should pay a fee, he may waive it.

Charges of registered estates

5.—(1) The fee for an application for the registration of a charge is payable under Scale 2 on the amount of the charge assessed under article 8 unless it is an application to which paragraphs (2), (3) or (4) apply.

(2) No fee is payable for an application to register a charge lodged with or before the completion of a scale fee application ('the primary application') that will result in the chargor being registered as proprietor of the registered land included in the charge unless—

- (a) the charge includes a registered estate which is not included in the primary application, where paragraph (4) applies; or
- (b) the primary application is a voluntary application, in which case this paragraph shall apply only if the application to register the charge accompanies the primary application.

(3) No fee is to be paid for an application to register a charge made by a predecessor in title of the applicant that is lodged with or before completion of an application for first registration of the estate included in the charge.

(4) Where a charge also includes a registered estate which is not included in the primary application any fee payable under Scale 2 is to be assessed on an amount calculated as follows:

$$\frac{\text{Value of the additional property}}{\text{Value of all the property included in the charge}} \times \text{Amount secured by the charge}$$

(5) The fee for an application for the registration of—

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

is payable under Scale 2 on the amount or value of the consideration.

(6) The fee for an application for the registration of the transfer of a registered charge otherwise than for monetary consideration is payable under Scale 2 on—

- (a) the amount secured by the registered charge at the time of the transfer; or
- (b) where the transfer relates to more than one charge, the aggregate of the amounts secured by the registered charges at the time of the transfer.

(7) The fee for an application for the registration of a transfer for the purpose of giving effect to a disposition otherwise than for monetary consideration of a share in a registered charge is payable under Scale 2 on—

- (a) the proportionate part of the amount secured by the registered charge at the time of the transfer; or
- (b) where the transfer relates to more than one charge, the proportionate part of the aggregate of the amounts secured by the registered charges at the time of the transfer.

(8) This article takes effect subject to article 6 (large scale applications).

Large scale applications, etc.

6.—(1) In this article—

- (a) "large area application" means an application for first registration which relates to land having a total area exceeding 100 hectares;
- (b) "large scale application" means a scale fee application which relates to 20 or more land units, other than—
 - (i) a large area application; or

- (ii) a low value application,
 - (c) “low value application” means a scale fee application, other than an application for first registration, where the value of the land or the amount of the charge to which it relates (as the case may be) does not exceed £30,000;
 - (d) “land unit” means—
 - (i) the land registered under a single title number; or
 - (ii) on a first registration application, a separate area of land not adjoining any other unregistered land affected by the same application.
- (2) Unless the application is one in respect of a charge lodged with another application and falls within article 5(2), the fee for a large scale application is the greater of—
- (a) the scale fee; and
 - (b) a fee calculated on the following basis—
 - (i) where the application relates to not more than 500 land units, £10 for each land unit; or
 - (ii) where the application relates to more than 500 land units, £5,000 plus £5 for each land unit in excess of 500, up to a maximum of £40,000.
- (3) The fee for a large area application is the Scale 1 fee and if the registrar considers that the cost of the work involved in dealing with the application would substantially exceed the scale fee otherwise payable, he may direct that an additional fee be paid but the fee is not to exceed the cost of the work involved.
- (4) If a large area application or a large scale application is a voluntary application, the fee payable under this article is reduced in accordance with article 2(6).