
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 167

Land Registry (Fees) Order (Northern Ireland) 2000

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Land Registry (Fees) Order (Northern Ireland) 2000 and shall come into operation on 23rd June 2000.

(2) Words and expressions used in this Order and defined in the Rules have the same meaning as in the Rules.

(3) In this Order—

“the Act” means the Land Registration Act (Northern Ireland) 1970;

“charge” (except in Part III of Schedule 1) means a charge on land to secure money and includes a sub-charge but not a statutory charge;

“equity-sharing lease” means a lease of land, the general effect of which is to provide—

- (a) that, in consideration of the granting of the lease, the lessee shall pay a capital sum, representing a part payment in respect of the cost of acquisition of the premises demised, and a rent; and
- (b) that the lessee may make additional part payments towards the said cost of acquisition and may exercise an option to purchase the whole or part of the lessor’s reversion in the premises demised.

“fees” means the fees to be taken in the Registry for the purposes of the Act and the Property Order;

“the Property Order” means the Property (Northern Ireland) Order 1997(1);

“the Rules” means the Land Registration Rules (Northern Ireland) 1994(2) and a reference by number to a rule or Form is a reference to the rule or Form bearing that number in the Rules.

Revocation

2. The Land Registry (Fees) Order (Northern Ireland) 1996(3) is hereby revoked.

Fees

3. Subject to the following provisions of this Order, the fees set out in Schedule 1 shall be payable in respect of the matters there mentioned.

Value

4.—(1) For the purposes of this Order, the value of any estate in land, shall be determined in accordance with paragraphs (2) to (4).

(1) 1997 No. 1179 (N.I. 8)
(2) S.R. 1994 No. 424
(3) S.R. 1996 No. 157

(2) Subject to paragraphs (3) and (4), the value of an estate in land is its market value, that is to say, such sum as the estate would fetch if sold on the open market at the date on which the application with respect to which the value is required to be ascertained is made to the Registry, free from any mortgage or charge for payment of money other than a land purchase annuity.

For the purposes of this paragraph, the Registrar may accept as the market value of an estate, the consideration expressed in a deed or an amount stated to be that value in a statement in writing, signed by the applicant or his solicitor.

(3) Where an application is made to the Registry to register an exchange, the value of the estate in land to which the application relates shall be the combined value of the registered land exchanged, determined in accordance with paragraph (2).

(4) Where an application relates solely to the estate of a person entitled as a tenant in common, joint tenant or coparcener, the value of the estate in land to which the application relates shall be the value of that person's estate; and where a registered owner transfers his estate to himself and another as co-owners, the value of the estate in land to which the application relates shall be the value of the estate passing to the other person.

Instruments relating to several folios

5.—(1) Where an application is made to register an instrument relating to several folios in some or one only of those folios, the fee shall be that which would be payable if the application were to register the instrument in all the folios to which it relates.

(2) Where an instrument relating to several folios has been registered in some or one only of those folios, a fee of £20 shall be payable in respect of any application to register the instrument in any of the other folios to which it relates.

Reduction of fees

6.—(1) Subject to paragraph (2) where an application or dealing for which a fee in excess of £25 is prescribed by this Order is refused, abandoned or withdrawn, there shall only be payable in respect of the application or dealing the sum of £25 or one quarter of the fee prescribed by this Order in respect of the application or dealing, whichever is the greater.

(2) Where an application is refused, abandoned or withdrawn after it has been set down for determination by the Registrar or referred by the Registrar to the Court, the full fee shall be payable in respect of the application or dealing.

Exemption from fees

7. No fee shall be payable in respect of any matter mentioned in Schedule 2.

Payment of fees

8.—(1) Fees shall be payable at the time when an application, dealing or other matter in relation to which a fee is to be taken, is presented to the Registry.

(2) Where in determining the fee payable in respect of any matter a calculation is involved, the amount payable shall be calculated to the nearest 5 pence.

(3) Every fee shall be paid in cash or by means of a banker's draft, money order, postal order, cheque or electronic monetary transfer.

Application to the Crown

9. Subject to the provisions of the Act, this Order shall bind the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

Sealed with the Official Seal of the Department of Finance and Personnel on 12th May 2000.

L.S.

D. Sterling
A senior officer of the
Department of Finance and Personnel