

2006 No. 600

REGISTERS AND RECORDS

The Fees in the Registers of Scotland Amendment Order 2006

Made - - - - *13th December 2006*

Coming into force - - *22nd January 2007*

The Scottish Ministers, in exercise of the powers conferred by section 25 of the Land Registers (Scotland) Act 1868(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Fees in the Registers of Scotland Amendment Order 2006 and shall come into force on 22nd January 2007.

Amendment of the Fees in the Registers of Scotland Order 1995

2. The Fees in the Registers of Scotland Order 1995(b) is amended as follows.

3. In article 2 (interpretation)–

(a) for paragraph (b) substitute–

“(b) “ARTL System”, “certificate of title”, “dealing” and “Registers Direct service” shall have the same meaning as they have in the Land Registration (Scotland) Rules 2006(c);” and;

(b) for paragraphs (c) to (e) substitute–

“(c) “fire and rescue authority” has the meaning given by section 1(1) of the Fire (Scotland) Act 2005(d);

(d) “Health Board” and “Special Health Board” mean a board constituted under section 2 of the National Health Service (Scotland) Act 1978(e);

(e) “joint fire and rescue board” means a board constituted by an amalgamation scheme under section 2 of the Fire (Scotland) Act 2005;

(f) “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(f);

(a) 1868 c.64. Section 25 was substituted by section 23 of the Land Registration (Scotland) Act 1979 (c.33) and amended by the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), article 4 and Schedule 2, paragraph 3. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1995/1945, amended by S.I. 1999/1085, S.S.I. 2001/163, 2004/507 and 2005/580.

(c) S.S.I. 2006/485.

(d) 2005 asp 5.

(e) 1978 c.29.

(f) 1994 c.39.

- (g) “police authority” means an authority established under section 2 of the Police (Scotland) Act 1967(a);
- (h) “relevant rent” means the largest amount of annual rent the lease reserves within the first five years of its term that can be quantified at the date an application to register the grant of the lease or, as the case may be, record the lease is made;
- (i) “Scottish Children’s Reporter Administration” means the body constituted by section 128(1) of the Local Government etc. (Scotland) Act 1994;
- (j) “title plan” means a plan of the land referred to in rule 4(2) of the Land Registration (Scotland) Rules 2006;
- (k) “valuation authority” means an authority established by section 27(1) of the Local Government etc. (Scotland) Act 1994.”.

4. After article 2A (interpretation) insert–

“2B. In this Order–

- (a) any reference to a search includes a search by computer using the Registers Direct service;
- (b) any reference to an application includes an application by telephone, facsimile, electronic mail or any other means;
- (c) any expression which is also used in the Act shall have the same meaning as it has in the Act; and
- (d) any reference to a numbered form is a reference to the form bearing that number in Schedule 1 to the Land Registration (Scotland) Rules 2006.”.

5. In Part I of the Schedule (Land Register of Scotland)–

- (a) for section 1 (registration fees) substitute–

“1. REGISTRATION FEES

A. Interests in land other than heritable securities

(1) Where an application is made to which paragraph (3) applies the fee will, subject to paragraphs (4) to (7), be calculated on the amount of the consideration or the value, whichever is the greater, of the interest in land created, granted or transferred to which the application relates.

(2) Subject to paragraphs (8) to (10) and Part III of this Schedule, the fee for an application to which paragraph (3) applies will be at the rates shown in Table A or, where the application is made using the ARTL System, Table B in Part IV of this Schedule.

(3) This paragraph applies to an application for registration of–

- (a) an unregistered interest in land in pursuance of section 2(1) of the Act;
- (b) 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) any transfer of a registered interest in land (not being a heritable security) in pursuance of section 2(4) of the Act.

(4) Where the application is to register an interest or interests in land exchanged the fee will be calculated on the value of the interest in land created, granted or transferred to which the application relates.

(5) Where the consideration consists of a yearly or periodical payment, the consideration will be calculated at 10 years’ purchase.

(6) Where the application is to register the grant of an interest in land in long lease the fee will be calculated on the consideration (if any) provided for that grant plus ten times the relevant rent.

(a) 1967 c.77.

(7) Where the application is made to register the assignation of an interest in land in long lease, the fee will be calculated on the consideration (if any) provided for the assignation plus ten times the annual rent payable at the date the application is made.

(8) Where a single application affects a number of title sheets (for the avoidance of doubt, in the case of an application to register a transfer of part of a registered interest in land, not including any title sheet created as a result of the application or amended to include the part transferred), the fee will be at the rates shown in Table A in Part IV of this Schedule, plus an additional fee of £30 for every title sheet affected other than the first.

(9) Where the application is made to give effect to a survivorship destination only, £30.

(10) Where an application is made by a fire and rescue authority, joint fire and rescue board, local authority, police authority, valuation authority, Health Board, Special Health Board or the Scottish Children's Reporter Administration as unregistered holder of a registered interest in land to complete its title to that interest in land in terms of section 3(6) of the Act, £30 for each title sheet affected.

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 any other dealing with a heritable security in pursuance of section 2(4) of the Act,

£30 or, where application is made using the ARTL System, £20 for each title sheet affected.”.

- (b) in section 2 (reports) in each of paragraphs (g) and (i) for “Certificate Plan” substitute “title plan”.
- (c) for section 3 (miscellaneous services) substitute—

“3. MISCELLANEOUS SERVICES

A. Applications made

Where application is made—

- | | |
|---|--------------------------------------|
| (a) on Form 5 for noting of an overriding interest etc | £30.00 for each title sheet affected |
| (b) on Form 9 for rectification of the register | £30.00 |
| (c) for checking the boundaries of adjoining properties | £20.00 |
| (d) for withdrawal of an application under rule 11 of the Land Registration (Scotland) Rules 2006 | £30.00 |
| (e) for the provision of information from a deed or document in the Land Register archive, for each such deed or document | £14.20 |

Where the application is to register a Tree Preservation Order or a Compulsory Purchase Order, £30 for each title sheet affected.

B. Applications rejected

Where the application is rejected under rule 13 of the Land Registration (Scotland) Rules 2006”.

£30.00

6. In Part II of the Schedule (General Register of Sasines) in section 1 (recording fees)–

(a) for paragraph A (conveyances) substitute–

“A. Conveyances

(1) Where the recording of a deed or document to which paragraph (3) applies is made, the fee will, subject to paragraphs (4) to (6), be calculated on the amount of the consideration or value, whichever is the greater, of the heritable subjects transferred, passing or to which the recording relates.

(2) Subject to paragraph (7) and Part III of this Schedule, the fee will be at the rates shown in Table A in Part IV of this Schedule.

(3) This paragraph applies to the recording of–

- (a) a conveyance, including absolute conveyance, voluntary or judicial, either for a consideration or as a gift or in implement of trust or other purpose;
- (b) a long lease;
- (c) completion of title by decree or by notice of title; and
- (d) all other deeds transferring an absolute right to heritable subjects.

(4) Where the consideration consists of a yearly or periodical payment, the consideration will be calculated at 10 years’ purchase.

(5) Where the application is to record the grant of a long lease the fee will be calculated on the consideration (if any) provided for the grant plus ten times the relevant rent.

(6) Where an assignation of a long lease is recorded, the fee will be calculated on the consideration (if any) provided for the assignation plus ten times the annual rent payable at the date an application for recording is made.

(7) Where application is made to record a notice of title–

- (a) along with another deed granting a long lease or a servitude over the whole or any part of the same subjects,
- (b) on behalf of a fire and rescue authority, joint fire and rescue board, local authority, police authority, valuation authority or the Scottish Children’s Reporter Administration, completing title as statutory successor of a previous authority,
- (c) on behalf of a Health Board or Special Health Board, completing title as transferee in terms of an order made under section 2 of the National Health Service (Scotland) Act 1978,

£30.”.

(b) for paragraph B (heritable securities) substitute–

“B. Heritable securities

In respect of the recording of a heritable security, including the constitution, transfer, postponement, corroboration or extinction of a security, £30.”.

(c) in paragraph C (recording by memorandum) for “a fee equivalent to half of the fixed fee shall be charged for each memorandum” substitute “£30 for each memorandum”.

7. In Part III of the Schedule (fees for registrations and recordings in both the Land and Sasine Registers) in section 1 (recording and registration fees for single transactions effected by more than one deed and/or application)–

(a) in paragraph A (interests in land other than heritable securities)–

- (i) delete “, other than an excambion,”; and
- (ii) for “, the fees to be charged” to the end of sub-paragraph (ii) substitute–

“_

- (a) where the transaction is first given effect to by a deed presented in the Register of Sasines, the fee to be charged for the first deed presented will be calculated

on the amount of the consideration, or the total value of the heritable interest created, granted or transferred, whichever is the greater, and shall be at the rates shown in Table A in Part IV of this Schedule, plus a fee of £30 for every related deed presented in the Register of Sasines and for every title sheet affected by a related application for registration in the Land Register; or

(b) where the transaction is first given effect to by an application for registration in the Land Register, the fee to be charged in respect of the first application will be calculated on the amount of the consideration, or the total value of the interest in land created, granted or transferred, whichever is the greater, and shall be at the rates shown in Table A in Part IV of this Schedule, plus a fee of £30 for every other title sheet affected by that application and by every other related application, and for every related deed presented for recording in the Register of Sasines.”;

(b) in paragraph B (heritable securities) for “the fees to be charged” to the end of subparagraph (ii) substitute–

“£30 in respect of that transaction, deed or application, plus £30 for every related application or every related deed presented in the Register of Sasines and for each title sheet affected by every related application for registration in the Land Register.”;

(c) in paragraph C (dual registration) for “a fixed fee” to the end substitute “, £30 in respect of that application plus £30 for each other title sheet affected by that application and for each deed recorded.”

8. In Part III of the Schedule (fees for registrations and recordings in both the Land and Sasine Registers) for section 2 (miscellaneous) substitute–

“2. MISCELLANEOUS

A. Industrial and Provident Society receipts

Where application is made for registration or recording of receipts under the Industrial and Provident Societies Act 1965(a), 25 pence.

B. Other Deeds and Events

Where application is made for registration or recording of other deeds and events not included under paragraphs A or B of Parts I and II or paragraph C of this Part, £30 for each title sheet affected or each deed recorded in the Register of Sasines.”.

9. In Part IV of the Schedule (table of forms) for Table A and Table B substitute–

“TABLE A

| <i>Consideration or value</i> | | <i>Fee</i> |
|-------------------------------|-----------|------------|
| | £ | £ |
| Not exceeding | 50,000 | 30 |
| | 100,000 | 100 |
| | 150,000 | 200 |
| | 200,000 | 300 |
| | 300,000 | 400 |
| | 500,000 | 500 |
| | 700,000 | 600 |
| | 1,000,000 | 700 |
| | 2,000,000 | 1,000 |
| | 3,000,000 | 3,000 |

(a) 1965 c.12.

| <i>Consideration or value</i> | | <i>Fee</i> |
|-------------------------------|-----------|------------|
| | £ | £ |
| | 5,000,000 | 5,000 |
| Exceeding | 5,000,000 | 7,500 |

TABLE B (ARTL applications)

| <i>Consideration or value</i> | | <i>Fee</i> |
|-------------------------------|-----------|------------|
| | £ | £ |
| Not exceeding | 50,000 | 20 |
| | 100,000 | 75 |
| | 150,000 | 150 |
| | 200,000 | 225 |
| | 300,000 | 300 |
| | 500,000 | 375 |
| | 700,000 | 450 |
| | 1,000,000 | 550 |
| | 2,000,000 | 800 |
| | 3,000,000 | 2,500 |
| | 5,000,000 | 4,500 |
| Exceeding | 5,000,000 | 7,000 |

10. In Part V of the Schedule (Register of inhibitions and adjudications) for “For each document” to the end substitute–

“For each document £15.00”

11. In Part VI of the Schedule (register of deeds etc., register of protests and register of judgments) for “For a document” to the end substitute–

“For each document £10.00

Note:

The extracting and authentication of the first or only extract is included in the fee.”.

12. Part VII of the Schedule (Register of Service of Heirs) is omitted.

13. In Part VIII of the Schedule (Register of the Great Seal) for paragraphs 1, 2 and 3 substitute–

- | | |
|------------------------------------|----------|
| “1. For a charter of incorporation | £250.00 |
| 2. For a Crown grant of land– | |
| (a) unsealed deed | £ 60.00 |
| (b) sealed deed | £250.00 |
| 3. For a Commission | £630.00” |

14. In Part IX of the Schedule (Register of the Cachet Seal) for “For each impression £15.00” substitute–

“For each impression £30.00”

15. In Part X of the Schedule (Register of the Quarter Seal) for “For each Gift” to the end substitute–

“For each Gift of Ultimus Haeres £130.00”

16. In Part XI of the Schedule (other fees) for “For each Certificate issued” to the end substitute–

- “1. For each Certificate issued under the £ 30.00
Civil Jurisdiction and Judgments Act
1982(a)
2. For each Certificate of Custody when a £ 20.00”
deed is retained for permanent
preservation

DES McNULTY
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
13th December 2006

(a) 1982 c.27.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Fees in the Registers of Scotland Order 1995 (“the 1995 Order”) to provide for new fees for services provided by the Keeper of the Registers of Scotland.

New fee scales are created for registration of interests in the Land Register of Scotland and for recording of deeds in the General Register of Sasines. The 51 bandings contained in the old scale have been reduced to a 12 band structure. The banding proposals will reduce the fees for house transactions in the £30,000 to £2,000,000 price range; there is a small increase in the minimum fee from £22 to £30. There are new fees introduced for land registration applications using the Automated Registration of Title to Land System (“ARTL System”). Fees for most ARTL transactions will around be 25% less than for paper applications.

Fees for registration or recording of heritable securities are a standard fee of £30 (£20 where registered using ARTL) and no longer tied to an ad valorem scale. A standard £30 fee replaces fixed fees (previously £22 generally).

Article 3 amends article 2 of the 1995 Order (interpretation) providing updated interpretation provisions, including by reference to interpretation in the Land Registration (Scotland) Rules 2006 (“the 2006 Rules”). Article 4 adds further interpretation provision.

Article 5 amends Part I of the Schedule to the 1995 Order. Section 1 (registration fees) is replaced by paragraph (a) replacing provisions in relation to registration of interests in land other than heritable securities. Subject to three exceptions set out in paragraphs (8), (9) and (10), fees will be at the rates shown in new Table A in Part IV, or where the application is made using the ARTL System, Table B. Where a number of title sheets are affected then in addition to the fee to be paid shown in Table A there will be an additional fee of £30 for each other title sheet affected (Part 1 1A(8)). Where the application is to give effect to a survivorship destination or is by certain statutory bodies seeking to complete title the fee is £30 (Part 1 1A(9) and (10)). Fees for registration of heritable securities are now £30 for each title sheet affected (or £20 where registered using the ARTL System) and no longer calculated by reference to an ad valorem scale.

Article 5(b) substitutes for “Certificate Plan” reference to “title plan” which term is used in the interpretation provision.

Article 5(c) replaces section 3 (miscellaneous). The fee for registration of an overriding interest in Form 5 is increased from £22 to £30. Paragraphs (b) and (g), being fees in relation to a Form 8 application and for a substitute certificate of title, are deleted, as a result of deletion of Form 8 in the 2006 Rules and the Keeper no longer issuing substitute certificates. The fee for an application in Form 9 to rectify the register is increased from £25 to £30. The fee for checking boundaries of adjoining properties remains at £20. The fee for withdrawal of an application, being £22 or £44 dependent upon when withdrawal takes place, is replaced by a single fee of £30. The fee for provision of information from a deed or document remains £14.20 for each such deed or document. The Fee for an application to register a Tree Preservation Order or a Compulsory Purchase Order is moved from section 1 to this section and is increased from the fixed fee of £22 to a standard fee of £30.

The fee for rejection of an application, being £22 or £44 dependent upon when rejection takes place, is replaced by a standard fee of £30.

Article 6 amends the fees for recording deeds and documents in the General Register of Sasines. The fees applied are those set out in Table A in Part IV of the Schedule or, in the case of recording a notice of title in favour of certain statutory bodies, £30. Fees for recording heritable securities are now £30 and no longer calculated by reference to an ad valorem scale.

The fee for recording by memorandum is increased from half of the fixed fee (£11) to a standard fee of £30 (article 6(c)).

Where as a result of a single transaction an application is made for registration in the Land Register and recording in the General Register of Sasines the fee will be calculated in accordance with Table A in Part IV of the Schedule plus a fee of £30 (increased from a fixed fee of £22) will be payable for each related deed presented for recording or for every other title sheet affected by an application for registration in the Land Register. Where the registration and recording concerns heritable securities the fee will be £30 for the transaction plus £30 for every other title sheet affected or deed recorded instead of an ad valorem fee plus a fixed fee. (Article 7).

Article 8 revises section 2 of Part III of the Schedule. The fee for registration or recording of receipts under the Industrial and Provident Societies Act 1965 remains 25 pence. The fee for registering or recording other deeds or events is increased from the fixed fee to £30.

In Part IV Tables A and B are replaced. Table A is reduced from 51 bands to 12 bands with substantial reductions to the majority of the fees. Table B in relation to heritable securities is removed. New Table B is the table applicable to registration in the Land Register using the ARTL System. The same bands are used as for Table A but the fees are reduced further. (Article 9).

Part VII (Register of Service of Heirs) is deleted (article 12).

The following fees have also been altered:

- in the Register of Inhibitions and Adjudications, registration fees for each document are reduced from £20.00 to £15.00 (article 10);
- in the Register of Deeds etc, Register of Protests and Register of Judgments the fee will be £10 for each document regardless of the number of pages (article 11);
- in the Register of the Great Seal, the fee for a charter of incorporation is increased from £170.00 to £250.00 (article 13);
- the fee for a charter of novodamus or other Crown grant of land is increased from £44.00 to £60.00 in respect of an unsealed deed and from £170.00 to £250.00 in respect of a sealed deed (article 13); and
- the fees for a Commission is increased from £500.00 to £630.00 (article 13);
- in the Register of the Cachet Seal, fees for each impression are increased from £15.00 to £30.00 (article 14);
- in the Register of the Quarter Seal, fees for each Gift of Ultimus Haeres have increased from £44.00 to £130.00 (article 15);
- the fees for each Certificate issued under the Civil Jurisdiction and Judgments Act 1982 are increased from £21.00 to £30.00 (article 16); and
- the fees for each Certificate of Custody when a deed is retained for permanent preservation are increased from £10.00 to £20.00 (article 16).

2006 No. 600

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The Fees in the Registers of Scotland Amendment Order 2006

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