Land Registry Act 1862 (repealed)

1862 CHAPTER 53 25 and 26 Vict

PART IV

GENERAL PROVISIONS TO FACILITATE REGISTRATION

Fees

127 Registrar to determine amount of fees.

The registrar shall, with the sanction of the Lord Chancellor, determine the amount of payments to be made with respect to the following matters:

The first entry on the register of title of land and charges on land:

The registration of transfers and transmissions of land and charges, and all other matters to be done by the registrar:

The registration of instruments and the withdrawal of such instruments:

And the registrar may, with the like sanction, from time to time alter any amounts so determined; but all payments mentioned in this section shall be paid into the receipt of Her Majesty's Exchequer, and carried to the account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

128 Matters to be considered in determining amount of fees.

In determining the amount of fees payable in respect of entries on the register of title under this Act, regard shall be had to the following matters:

(1) In the case of the registration of land or of any transfer of land on the occasion of a sale,—to the value of the land as determined by the amount of purchase money:

(2) In the case of the registration of land, or of any transfer of land not upon a sale,—to the value of the land, to be ascertained in such manner as may be directed by general order:

(3) In the case of registration of a charge, or of any transfer of a charge,—to the amount of such charge:

Status: *Point in time view as at 01/02/1991.*
Changes to legislation: *There are currently no known outstanding effects for the Land Registry Act 1862 (repealed), Cross Heading: Fees. (See end of Document for details)*

Subject, nevertheless, to the qualifications following:

A maximum amount shall be fixed; and in cases where the value of any land or the amount of any charge exceeds such maximum, fees may be made payable in respect of such excess on such a reduced scale as may be thought expedient:

Where increased labour is thrown on the registrar by reason of the severance of the parcels of an estate, the entry of a new description of parcels, or of any other matter, an increased sum may be charged.

129 Collection of fees.

The following rules shall be observed with respect to the collection of fees:

(1) All fees payable in respect of registration shall be received by stamps denoting the amount of fees payable, and not in money:

(2) When any fee is payable in respect of a document, a stamp denoting the amount of fee shall be affixed to such document:

(3) The Commissioners of Inland Revenue shall provide everything that is necessary for the collection of the monies hereby directed to be paid by stamps.

130 Stamp Acts applied to stamps under this Act.

The several Acts for the time being in force relating to stamps under the care or management of the Commissioners of Inland Revenue shall apply to the stamps to be provided in pursuance of this Act, and to any document on which such stamps may be impressed, and to collecting and securing the sums of money denoted by stamps, and to preventing, detecting, and punishing all frauds, forgeries, and other offences relating thereto, as fully as if such provisions had been herein repeated and specially enacted with reference to the said last-mentioned stamps and sums of money respectively.

131 Lord Chancellor may fix scale of costs.

The Lord Chancellor may from time to time fix a scale of fees to be paid to the examiners of title, and also of costs to be paid to solicitors or certificated conveyancers, in respect of any service rendered by them in any matter relating to proceedings under this Act; and he may from time to time alter any such scale when fixed; and any scale of costs so fixed may, if the Lord Chancellor thinks fit, be based on an ad valorem principle.

132 Costs may, in certain cases, be raised by mortgage.

Where registration is made on the application of parties who cannot make a valid charge on the fee simple, the Court of Chancery may declare that the costs and expenses of registration may be raised by a mortgage of the fee simple; and the same shall be charged accordingly.

133 Orders to be laid before Parliament.

All general orders, scales of fees, and costs made and fixed under this Act, shall be laid before Parliament forthwith, if Parliament is sitting, or, if not, within fourteen days after the next sitting of Parliament.

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