

1990 No. 2029

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration Fees (No. 2) Order 1990

Made - - - - - *15th October 1990*

Coming into force *3rd December 1990*

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 144 of the Land Registration Act 1925(a), and the Treasury, in exercise of the powers conferred on them by section 145 of that Act, sections 2 and 3 of the Public Offices Fees Act 1879(b), and section 128 of the Finance Act 1990(c) hereby make and concur in the following Order:

PART I

Citation, commencement and interpretation

1.—(1) This Order, which supersedes the Land Registration Fee Order 1990(d), may be cited as the Land Registration Fees (No. 2) Order 1990 and shall come into force on 3rd December 1990.

(2) In this Order unless the context otherwise requires:

“account holder” means a person or firm holding a credit account;

“the Act” means the Land Registration Act 1925;

“charge” includes sub-charge;

“credit account” means an account authorised by the Registrar under article 15(1);

“licensed conveyancer” has the same meaning as in section 11(2) of the Administration of Justice Act 1985(e) and includes a recognised body within the meaning of section 32(2) of that Act;

“monetary consideration” means a consideration in money or money’s worth (other than a nominal consideration or a consideration solely of a covenant to pay money owing under a mortgage);

“the principal rules” means the Land Registration Rules 1925(f);

“scale fee” means a fee payable in accordance with a scale set out in Schedule 1 or 2;

“Schedule” means a Schedule to this Order;

“share in registered land” means a share in the proceeds of sale of registered land held on trust for sale.

(a) 1925 c.21.

(b) 1879 c.58.

(c) 1990 c.29.

(d) S.I. 1990/172.

(e) 1985 c.61.

(f) S.R. & O. 1925/1093; relevant amending instruments are S.I. 1987/2214, 1989/801 and 1990/314.

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 (5) 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 £30 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 £30 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 for the registration of which a scale fee is paid;

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 in relation to registered land 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 for the registration of which a scale fee is paid;
- (d) a surrender of a registered lease otherwise than for monetary consideration (whether effected by deed or otherwise);

- (e) a transmission of registered land on death or bankruptcy;
- (f) an assent of registered land (including a vesting assent);
- (g) an appropriation of registered land;
- (h) a rectification of the register;
- (i) a transfer of a matrimonial home (being registered land) 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 a share only 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 a share only 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 determination of an unregistered interest, by way of merger, surrender or otherwise, takes place, the value of the land shall be the combined value of the reversionary and determined interests assessed 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:

$$\frac{\text{Value of registered land}}{\text{Value of whole security}} \quad \times \quad \text{Amount of the charge}$$

(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.

Large 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 50 separate areas of land the fee payable in respect of such application shall be either £15 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 50 registered titles the fee payable in respect of such application shall be either £15 in respect of each such title or the amount payable under article 2, whichever is the greater.

(4) Where an application for first registration of title to a lease relates to both unregistered and registered land, and the sum of the number of separate areas of unregistered land and the number of registered titles affected is not fewer than 50, the fee payable in respect of such application shall be either £15 in respect of each such separate area of unregistered land or registered title (as the case may be), 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 that schedule.

(2) The fee for an application in Form 112A or Form 112B in Schedule 1 to the Land Registration (Open Register) Rules 1990^(a) shall be the aggregate of the fees payable for the services provided, save that the maximum fee for any one application shall be £150.

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

(4) 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.

(5) 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.

^(a) S.I. 1990/1362.

PART III

GENERAL AND ADMINISTRATIVE PROVISIONS

Refund of fees

9.—(1) Where an amount exceeding the prescribed fee has been paid, there shall be refunded any excess remaining after the deduction, if the Registrar so directs, of an amount not exceeding £10 in respect of the cost of repayment.

(2) Where the person or firm lodging the application is an account holder, any amount to be refunded under paragraph (1) may at the discretion of the Registrar be repaid to the account holder by crediting the amount to the account holder's credit account.

(3) Subject to article 7(5), if any application is cancelled or withdrawn no part of the fee therefor shall be refunded unless the Registrar so directs.

Cost of advertisements and special enquiries

10. If in the course of dealing with any application, the Registrar directs publication of an advertisement or any special enquiry, the costs so incurred shall be defrayed by the applicant unless the Registrar directs to the contrary.

Fixed boundaries

11. Where application is made for the boundaries of land to be noted on the register as fixed under rule 277 of the principal rules such fee shall be charged as the Registrar may consider necessary to cover the cost of any examination of title, enquiries, mapping, surveying, notices or other work involved.

Special expedition

12. Where application for special expedition in connection with an application is granted, such further fee, being not less than £30, shall be payable as the Registrar shall direct having regard to the special work involved.

Applications not otherwise referred to

13. Upon an application for which no other fee is payable under this Order and which is not exempt from payment, there shall be paid such fee (if any) not exceeding a fee in accordance with Scale A in Schedule 1 on the value of the land or on the amount of the charge as the Registrar shall direct having regard to the work involved.

Method of payment

14. Subject to article 15:

- (a) every fee shall be paid by means of a cheque or postal order crossed and made payable to H.M. Land Registry;
- (b) where the amount of a fee payable on an application is immediately ascertainable, the fee shall be paid on delivery of the application;
- (c) where the amount of a fee payable on an application is not immediately ascertainable, on delivery of the application there shall be paid on account of the fee such sum, being not less than the minimum fee payable in accordance with Scale A in Schedule 1, as the applicant may reasonably estimate to be the fee payable and there shall be lodged therewith an undertaking to pay on demand the balance of the fee due, if any.

Credit accounts

15.—(1) Any person or firm may, if authorised by the Registrar, use a credit account in accordance with this article for the purpose of the payment of fees for applications and services of such kind as the Registrar shall from time to time direct.

(2) Where an account holder makes an application in respect of which credit facilities are available, he may make a request, in such manner as the Registrar shall direct, for the appropriate fee to be debited to the account holder's credit account.

(3) When a person or firm having a credit account makes a written application in respect of which credit facilities are available but which is not accompanied by any fee and does not contain a request for the fee to be debited to that account, the Registrar may, if he thinks fit, nevertheless accept the application and debit the fee to that person's or that firm's account.

(4) A statement of account shall be sent by the Registrar to each account holder at the end of each calendar month or such other period as the Registrar shall direct either in any particular case or generally.

(5) On receipt of the statement and if no question arises thereon the account holder shall pay by cheque any sum due on his account forthwith.

(6) Cheques shall be crossed and made payable to H.M. Land Registry and sent to the Accounts Section, H.M. Land Registry, Burrington Way, Plymouth, PL5 3LP or at such other address as the Registrar shall direct.

(7) The Registrar may at any time and without giving reasons terminate or suspend any or all authorisations given under paragraph (1).

Dated 27th September 1990

Mackay of Clashfern, C.

We concur

*John Major
Thomas Sackville*

Two of the Lords Commissioners
of Her Majesty's Treasury

Dated 15th October 1990

SCHEDULE 1

Article 2

SCALE A

APPLICATIONS FALLING UNDER ARTICLE 2

NOTE 1: On application for registration of title by an original lessee, fees are payable under this scale on the amount of any premium and also in accordance with Scale B in Schedule 2 on the amount of any annual rent.

NOTE 2: For abatement of the fee for registration of a charge accompanying application to register a transaction for monetary consideration upon which a scale fee is payable see Abatement 1 in Part 1 of Schedule 4.

NOTE 3: For abatement of the fee in respect of certain transactions with registered land see Abatement 2 in Part 1 of Schedule 4.

NOTE 4: Where the amount of the value is a figure which includes pence, the value may be rounded down to the nearest £1.

<i>Value</i> £	<i>Fee</i> £
0-20,000	30
20,001-25,000	35
25,001-30,000	40
30,001-35,000	45
35,001-40,000	55
40,001-45,000	65
45,001-50,000	75
50,001-60,000	90
60,001-70,000	110
70,001-80,000	130
80,001-90,000	150
90,001-100,000	180
100,001-200,000	220
200,001-300,000	260
300,001-400,000	300
400,001-600,000	350
600,001-800,000	400
800,001-1,000,000	450
1,000,001-2,000,000	550
2,000,001-3,000,000	650
3,000,001-4,000,000	750
4,000,001-5,000,000	850
5,000,001 and over	950

SCHEDULE 2

Article 2(2)

SCALE B

FIRST REGISTRATION BY ORIGINAL LESSEE

NOTE 1: On application for registration of title by an original lessee, fees are payable under this scale on the amount of the annual rent and also, if there is a premium, in accordance with Scale A in Schedule 1 on the amount of such premium.

NOTE 2: For abatement of the fee for registration of a charge accompanying an application to register a transaction for monetary consideration upon which a scale fee is payable, see Abatement 1 in Part I of Schedule 4.

NOTE 3: For abatement of the fee for registration of a "Right to Buy" lease, see Abatement 3 in Part I of Schedule 4.

NOTE 4: Where the amount of the rent is a figure which includes pence, the rent may be rounded down to the nearest £1.

<i>Annual Rent</i> £	<i>Fee</i> £
Under 1	0
1-2,500	30
2,501-5,000	50
5,001-7,500	70
7,501-10,000	100
10,001-20,000	200
20,001-30,000	300
30,001-40,000	400
40,001-50,000	500
50,001 and over	600

SCHEDULE 3

Article 7

PART I

APPLICATIONS

	<i>Fee</i>
(1) To register or modify a caution, restriction, notice (including a priority notice) or inhibition, or a note for which no other provision is made by this Order and for which the Registrar considers a fee should be paid—for each title affected	£30
Provided that—	
(a) no such fee shall be payable if, in relation to each registered title affected, the application is accompanied by an application affecting that title upon which a scale fee (but not a fee under article 6) is payable;	
(b) the maximum fee on any one application shall be £600.	
(2) To close or partly close a registered leasehold or rentcharge title other than on surrender (whether or not the surrender is for monetary consideration and whether effected by deed or otherwise)—for each title closed or partly closed	£30
Provided that no such fee shall be payable if the application is accompanied by an application upon which a scale fee is payable.	
(3) To convert from one class of title to another	£30
Provided that no fee shall be payable if the application for conversion is accompanied by an application upon which a scale fee is payable.	
(4) To replace a lost or destroyed land certificate or charge certificate (in addition to the cost of any advertisement)	£30
(5) First registration of a title to a rentcharge	£30
(6) To cancel an entry in the register of notice of an unregistered rentcharge which has determined on merger, redemption or otherwise—for each title affected	£30
Provided that no such fee shall be payable if the application is accompanied by an application upon which a scale fee is payable.	

PART II

SERVICES

(1) Official search of the index of proprietors' names—per name... ..	£12
(2) Personal inspection of the register or any part thereof, the title plan and any document referred to in the register, other than by the registered proprietor—per title	£12
(3) Application for an office copy in respect of a registered title:	
(a) of the register or any part thereof—per copy	£6
(b) of the title plan—per copy	£6
(c) of any or all of the documents referred to in the register (other than documents referred to in paragraph (4) of this Part)—per copy or set	£6
(4) Inspection or office copy (or both) in relation to:	
(a) a lease or mortgage referred to in the register, or a copy thereof; or	
(b) any document not referred to in a register; —per document	£12
(5) Inspection by the Registrar of the index map for the purpose of ascertaining the title number or numbers (if any) under which land is registered where an application is made in Form 109 or (except in the case of an application by the registered proprietor in person) Form 111 in Schedule 1 to the Land Registration (Open Register) Rules 1990 and the applicant has not supplied a title number or the title number supplied does not relate to any part of the land described in the application	
	£6
(6) A search of the register or of a pending first registration application by telephone or telex	
	£6
(7) A search without priority of the register (other than a search by telephone or telex)—per title	
	£6
(8) The issue of an official certificate of inspection of the title plan	
	£6
(9) Subject to article 7(4), an official search of the index map—per application	
	£6
(10) Personal inspection of the index map—per application	
	£6
(11) To take an affidavit or declaration	
	£3.50
(12) To take exhibits to an affidavit or declaration—per exhibit	
	£1

SCHEDULE 4

Article 8

PART I

ABATEMENTS

Charge accompanying application for first registration and registered transactions for monetary consideration

Abatement 1 Where, on an application (“the primary application”) for;

- (a) first registration of land or a lease;
- (b) registration of a transfer of registered land, or a transfer 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 a registered charge; or
- (d) registration of an exchange;

a charge by the applicant or by a predecessor in title of such applicant (in the case of first registration) or by the transferee (in the case of a transfer or exchange) is delivered either with the primary application or before the primary application is completed, no fee shall be payable for the registration of the charge:

Provided that where the charge also comprises registered land (“the additional land”) which is not the subject of the primary application the abatement shall not extend to the additional land so that, in addition to the fee payable in respect of the primary application, there shall be paid a fee in accordance with Scale A in Schedule 1 on an amount calculated in accordance with the following formula:

$$\frac{\text{Value of the additional land}}{\text{Value of whole security}} \times \text{Amount of charge}$$

Reduced fee for certain transactions with registered land

- Abatement 2** Subject to paragraph (7) of Part II of Schedule 4, in the case of an application for:
- (a) a transfer of registered land or a transfer of a registered charge 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 or a registered charge;
 - (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 for the registration of which a scale fee is paid;
 - (d) a surrender of a registered lease otherwise than for monetary consideration (whether effected by deed or otherwise);
 - (e) a transmission of registered land on death or bankruptcy;
 - (f) an assent of registered land (including a vesting assent);
 - (g) an appropriation of registered land;
 - (h) a rectification of the register;
 - (i) a transfer of a matrimonial home (being registered land) made pursuant to an order of the Court;
- the fee payable in accordance with Scale A in Schedule 1 shall be reduced to one fifth:

Provided that the minimum fee on any one application shall be £30.

Leases made under the provisions of Part V Housing Act 1985(a)

- Abatement 3** Where on an application for first registration of a lease made pursuant to the provisions of Part V Housing Act 1985 (Right to Buy) or to any statutory instrument applying the same for which a fee is payable in accordance with Scale B in Schedule 2 on the largest ascertainable amount of annual rent reserved, the fee in accordance with Scale B shall be reduced to one fifth.

PART II

EXEMPTIONS

No fee shall be payable in respect of:

- (1) making a land certificate or charge certificate correspond with the register;
- (2) changing the name, address or description of a registered proprietor or other person referred to on the register, or changing the description of a property;
- (3) registering a discharge of a registered charge;
- (4) registering a notice or renewal of a caution or notice pursuant to the Matrimonial Homes Act 1983(b);
- (5) registering a notice, or a withdrawal of a notice of deposit or intended deposit of a land certificate or charge certificate;
- (6) entering on the register the death of a joint proprietor;
- (7) registering a disposition to which section 145(2) of the Act (dispositions otherwise than for valuable consideration by personal representatives of a deceased proprietor registered as such) applies;
- (8) registering a restriction which is obligatory under section 58(3) of the Act;
- (9) cancelling the registration of a notice (other than a notice in respect of an unregistered lease or unregistered rentcharge), caution, inhibition, restriction or note;
- (10) approving an estate layout plan or any draft document with or without a plan;
- (11) a personal inspection of the register or any part thereof, the title plan and any document referred to in the register, made by the registered proprietor;
- (12) an official search with priority of the register or of a pending first registration application (other than a search by telephone or telex);
- (13) issuing of a summons under the seal of the Land Registry;
- (14) an order by the Registrar.

(a) 1985 c.68.

(b) 1983 c.19.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order, which, as from 3rd December 1990, supersedes the Land Registration Fee Order 1990, revises the land registration fee scales and makes certain other changes.

The value bands in the principal fee scale, Scale A, are reduced in number and widened, rising from a minimum fee of £30 in relation to values up to £20,000, up to a maximum fee of £950 in relation to values exceeding £5,000,000.

The other changes include:

(1) The fee for fixed fee applications is increased from £25 to £30, in line with the minimum scale fee (proviso to article 2(2), article 7(1), article 12 and Schedule 3, Part II);

(2) The abatement of fees in cases where surrender of a lease is consideration or part consideration for the grant of a new lease now applies only where the new lease is one for the registration of which a scale fee is paid (article 2(3)(c) and 2(5)(c) and Abatement 2 in Schedule 4, Part I);

(3) The basis of the valuation of land on first registration where application is made on the purchase of a leasehold estate by the reversioner, or of a reversion by the leaseholder and merger of an unregistered interest takes place, is extended to all cases where an unregistered interest is determined by way of merger, surrender or otherwise (article 3(3));

(4) The provision applying a fixed fee for each separate area of land or registered title comprised in certain large scale applications is amended so that the minimum number of separate areas or registered titles to which they apply is reduced to 50 and the fixed fee is increased to £15 for each such area or title (article 6);

(5) The fee for an application in Form 112A or Form 112B of the Land Registration (Open Register) Rules 1990 (applications for information in relation to criminal investigations and insolvencies) is to be the aggregate of the fees for the services provided, subject to a maximum fee for any one application of £150 (article 7(2));

(6) Provision is reintroduced regulating the refund of fees and of overpayments (article 9);

(7) The maximum fee for any one application to register or modify a caution, restriction, notice or inhibition, or other note for which the Register considers a fee should be paid is increased from £500 to £600 (article 7(1) and proviso (b) to paragraph (1) of Schedule 3, Part I);

(8) The fee for an official search of the index of proprietors' names is increased from £10 to £12 (article 7(1) and paragraph (1) of Schedule 3, Part II);

(9) Separate fees of £6 are payable in respect of office copies of each of the register and the filed plan of a title (article 7(1) and paragraph (3) of Schedule 3, Part II);

(10) A fee of £6 is payable for supplying title number information in relation to an application in Form 109 or Form 111 in Schedule 1 to the Land Registration (Open Register) Rules 1990 where no, or an incorrect, title number is supplied (article 7(1) and paragraph (5) of Schedule 3, Part II);

(11) The fee for telephone or telex searches and for searches without priority is reduced from £10 to £6 (article 7(1) and paragraphs (6) and (7) of Schedule 3, Part II);

(12) No fee is payable for registering an obligatory restriction under section 58(3) of the Land Registration Act 1925 (article 8(2) and paragraph (8) of Schedule 4, Part II).