
STATUTORY INSTRUMENTS

1991 No. 2093 (S. 173)

REGISTERS AND RECORDS, SCOTLAND

The Fees in the Registers of Scotland Order 1991

Made - - - - 10th September 1991

Coming into force - - 16th October 1991

The Secretary of State, in exercise of the powers conferred on him by section 25 of the Land Registers (Scotland) Act 1868⁽¹⁾ and of all other powers enabling him in that behalf and with the consent of the Treasury, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Fees in the Registers of Scotland Order 1991 and shall come into force on 16th October 1991.

Interpretation

2. In the Schedule to this Order—

- (a) “the Act” means the Land Registration (Scotland) Act 1979⁽²⁾;
- (b) “dealing” and “Certificate of Title” shall, unless the context otherwise requires, have the same meaning as they have in the Land Registration (Scotland) Rules 1980⁽³⁾;
- (c) in Parts I, II and III, “fixed fee” means a fee equivalent to the lowest fee specified in Table A in Part XI of the Schedule to this Order;
- (d) any expression which is also used in the Land Registration (Scotland) Act 1979 shall, unless the context otherwise requires, have the same meaning as it has in the Act; and
- (e) any reference to a numbered form is a reference to the form bearing that number in Schedule A to the Land Registration (Scotland) Rules 1980.

Fees

3. The fees payable in respect of the matters specified in the Schedule to this Order, being matters relating to registration or recording in the registers under the management and control of the Keeper of the Registers of Scotland and to the provision by the Keeper of searches, reports, certificates or

(1) 1868 c. 64; section 25 was substituted by section 23 of the Land Registration (Scotland) Act 1979 (c. 33).

(2) 1979 c. 33.

(3) S.I.1980/1413, to which there are amendments not relevant to this Order.

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other documents or copies of any document or of information from any such register, shall be the fees specified in relation to those matters in that Schedule.

Revocations

4. The Fees in the Department of the Registers of Scotland Order 1981((4)) and the Fees in the Department of the Registers of Scotland (Amendment) Order 1990((5)) are hereby revoked.

St Andrew's House,
Edinburgh
31st August 1991

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

We Consent

10th September 1991

Sidney Chapman
Irvine Patnick
Two of the Lords Commissioners of Her
Majesty's Treasury

(4) S.I. 1981/42.
(5) S.I. 1990/1256.

SCHEDULE

Article 3

TABLE OF FEES IN THE REGISTERS OF SCOTLAND

PART I –

LAND REGISTER OF SCOTLAND

1.

REGISTRATION FEES

A. Interests in land other than heritable securities

When application is made for–

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

the fee to be charged shall be calculated as follows:–

- (i) where the interest in land to which the registration relates has been created, granted or transferred for a consideration, on the amount of the consideration or the value of that interest, whichever is the greater; or
- (ii) in any other case, on the value of the interest in land to which the registration relates except that, where an application is made to register an interest or interests in land excambed, a fee will be charged on the value of the interest to which the application relates,

and shall be at the rates shown in Table A in Part XI of this Schedule, subject to the provisions of Part III of this Schedule and to the following provisions:–

- (a) where the consideration consists of a yearly or periodical payment, the amount of that consideration shall be the capitalised amount of the payment, calculated at 10 years' purchase;
- (b) where a single application, not being an application to register a Transfer of Part of a registered interest in land, affects a number of Title Sheets, the fee to be charged shall be based on the amount of the consideration or the value of the interest in land created, granted or transferred, whichever is the greater, plus a fixed fee for every Title Sheet affected other than the first;
- (c) where an application is made to give effect to a survivorship destination only, a fixed fee will be charged.

B. Heritable securities

When 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,

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the fee to be charged shall be calculated on the amount of the heritable security or securities created, or otherwise dealt with and shall be at the rates shown in Table B in Part XI of this Schedule subject to the provisions of Part III of this Schedule and to the following provisions:—

- (i) where a heritable security secures a yearly or periodical payment, the amount of the heritable security shall be the capitalised amount of the payment, calculated at 10 years' purchase;
- (ii) where an application for the registration of a heritable security over a registered interest in land accompanies an application for the registration of a heritable title to the same interest in land, a fixed fee for the registration of the security will be charged;
- (iii) where a Discharge, a Discharge and Deed of Restriction or a Deed of Restriction of a heritable security however constituted accompanies an application for the registration of a heritable title to the same interest in land, a fixed fee for the registration of each such accompanying security deed will be charged;
- (iv) where a Discharge and Deed of Restriction is registered on its own the fee will be charged on the amount of the Discharge;
- (v) where a Deed of Restriction is registered on its own, a fixed fee will be charged;
- (vi) where a variation of a heritable security is registered a fixed fee will be charged except where the amount secured by the security is increased, in which case the fee will be charged on the amount of the increase;
- (vii) where a single application affects a number of Title Sheets, the fee to be charged will be based on the amount of the security or securities created, or otherwise dealt with, plus a fixed fee for each Title Sheet affected other than the first.

2.

REPORTS

When application is made—

	£
(a) (a) on Form 10 for a Report prior to first Registration	16.50
(b) (b) on Form 11 for continuation of Report prior to first Registration	10.00
(c) (c) on Form 12 for a Report over Registered Subjects	16.50
(d) (d) on Form 13 for continuation of Report over Registered Subjects	10.00
(e) (e) on Form 14 for a Report to ascertain whether or not Subjects have been registered	16.50
(f) (f) where a verbal or facsimile Report is requested in addition to items (a) to (e) above, for each such Report	5.00

3.

MISCELLANEOUS SERVICES

When application is made—

	£
(a) (a) on Form 5 for Noting of Overriding Interest etc.	22.00
(b) (b) on Form 8 for Certificate of Title to be made to correspond with Title Sheet	22.00
(c) (c) on Form 9 for Rectification of Register	22.00
(d) (d) on Form P16 for comparison of a bounding description with the Ordnance Map	16.50
(e) (e) on Form P17 for comparison of the boundaries on the Certificate Plan with the Ordnance Map	16.50
(f) (f) for checking the boundaries of adjoining properties	16.50
(g) (g) for a Substitute Certificate of Title	22.00
(h) (h) for cancellation of an application in terms of rules 10 and 12 of the Land Registration (Scotland) Rules 1980((6))	22.00

PART II – GENERAL REGISTER OF SASINES

1.

RECORDING FEES

A. Conveyances

In respect of the recording of a conveyance, including absolute conveyance, voluntary or judicial, either for a price or as a gift or in implement of trust or other purpose, completion of title by decree or by Notice of Title, feu-right, lease, deed creating a ground annual or other yearly or periodical payment where there is a transfer of heritable subjects not in security, and generally all deeds transferring an absolute right to heritable subjects, the fee to be charged shall be calculated as follows:–

- (a) where a conveyance for a consideration is recorded, on the amount of the consideration or the value of the heritable subjects transferred or passing, whichever is the greater; or
- (b) in any other case, on the value of the heritable subjects transferred or passing;

and shall be at the rates shown in Table A in Part XI of this Schedule subject to the provisions of Part III of this Schedule and to the following provisions:–

(6) S.I. 1980/1413 to which there are amendments not relevant to this Order.

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- (i) where the consideration consists of a yearly or periodical payment, the amount of that consideration shall be the capitalised amount of the payment, calculated at 10 years' purchase;
- (ii) where an excambion is effected by more than one deed, a fee will be charged for each deed on the value of the subjects therein, and where an excambion is effected by one deed, the fee will be calculated on the total value of the subjects therein;
- (iii) where a Notice of Title is recorded along with another deed feuing or leasing the whole of the same subjects a fixed fee will be charged on that Notice of Title.

B. Heritable securities

In respect of the recording of a heritable security, including the constitution, transfer, postponement, corroboration or extinction of a security, (but excluding a ground annual created by bilateral deed), the fee to be charged shall be calculated as follows:–

- (a) on the amount of the heritable security or securities created, transferred, postponed, corroborated or discharged; or
- (b) where there is any combination of transfer, postponement, corroboration and discharge of a heritable security or securities, on the amount of the security or securities affected by such combination;

and shall be at the rates shown in Table B of Part XI of this Schedule subject to the provisions of Part III of this Schedule and to the following provisions:–

- (i) where a heritable security secures a yearly or periodical payment, the amount of the security shall be the capitalised amount of the payment, calculated at 10 years' purchase;
- (ii) where a heritable security accompanies a conveyance to the granter of the security of the subjects over which the security is constituted, a fixed fee for the recording of the security will be charged;
- (iii) where a Discharge and Deed of Restriction is recorded the fee will be charged on the amount of the Discharge;
- (iv) where a Deed of Restriction is recorded, a fixed fee will be charged;
- (v) where a variation of heritable security is recorded a fixed fee will be charged, except where the amount secured by the heritable security is increased, in which case the fee will be charged on the amount of the increase.

C. Recording by memorandum

Where any writ is presented in the Register of Sasines for recording by Memorandum, a fee equivalent to half of the fixed fee shall be charged for each Memorandum.

2.

SEARCHING FEES

Search for Incumbrances

For every Search:–

	£
For any period not exceeding 5 years	12.00
from 6 to 10 years	14.00
” 11 to 20 ”	16.00

	£
” 21 to 30 ”	18.00
” 31 to 40 ”	20.00
over 40 years	25.00
Plus £5.00 for each group of 6 names or less searched for in the Register of Inhibitions and Adjudications.	

Interim Reports

	£
Interim Report prior to completion of Search	5.00
Plus £5.00 for each group of 6 names or less searched for in the Register of Inhibitions and Adjudications.	

**PART III –
FEES FOR REGISTRATIONS AND RECORDINGS
IN BOTH THE LAND AND SASINE REGISTERS**

1.

**RECORDING AND REGISTRATION FEES FOR SINGLE TRANSACTIONS
EFFECTED BY MORE THAN ONE DEED AND/OR APPLICATION**

A. Interests in land other than heritable securities

Where a single transaction, other than an excambion, is given effect to in a deed or deeds presented for recording in the Register of Sasines and/or by an application or applications for registration in the Land Register, and due notice is given to the Keeper of the nature of that transaction the fees to be charged in respect of that transaction shall be as follows:–

- (i) where the transaction is first given effect to by a deed presented in the Register of Sasines, a fee based on the amount of the consideration, or the total value of the heritable interest created, granted or transferred, whichever is the greater, will be charged on the first deed so presented, plus a fixed fee 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
- (ii) where the transaction is first given effect to by an application for registration in the Land Register, a fee based on the amount of the consideration, or the total value of the interest in land created, granted or transferred, whichever is the greater, will be charged in respect of the first application, plus a fixed fee 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. Heritable Securities

Where a single transaction is given effect to in a deed or deeds presented for recording in the Register of Sasines and/or by application or applications for registration in the Land Register, and due notice

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of the nature of that transaction is given to the Keeper the fees to be charged in respect of that transaction shall be as follows:–

- (i) where the transaction is first given effect to by a deed presented in the Register of Sasines, a fee based on the amount of the security or securities created in total, or otherwise dealt with, will be charged on the first deed so presented, plus a fixed fee for every related deed presented in the Register of Sasines and for every Title Sheet affected by related application for registration in the Land Register; or
- (ii) where the transaction is first given effect to by an application for registration in the Land Register, a fee based on the amount of the security or securities created in total, or otherwise dealt with will be charged in respect of the first Title Sheet affected by that application plus a fixed fee 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.

Note:– In this Part, “related” means giving effect to the same single transaction.

2.

MISCELLANEOUS

	£
1. Registration or recording of Receipts under the Industrial and Provident Societies Act 1965((7))	0.25
2. Registration or recording of other miscellaneous transactions and events not included under Heads A and B of Parts I and II	22.00

PART IV –

REGISTER OF INHIBITIONS AND ADJUDICATIONS

Registration Fees

	£
For each document	7.00

PART V –

REGISTER OF DEEDS &C., REGISTER OF PROTESTS AND REGISTER OF JUDGMENTS

Registration Fees

	£
For a document of one page	5.00

Note: The extracting and authentication of the first or only extract is included in the foregoing fees.

(7) 1965 c. 12.

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	£
For each additional page	0.75

Note: The extracting and authentication of the first or only extract is included in the foregoing fees.

**PART VI –
REGISTER OF SERVICE OF HEIRS**

Registration Fees

	£
For each document	£22.00

Note: Extracting and authentication fees are included in the registration fee.

**PART VII –
REGISTER OF THE GREAT SEAL**

Registration Fees

	£
1. For a Charter of Incorporation	170.00
2. For a Charter of Novodamus or other Crown Grant of land	22.00
3. For a Commission	370.00

**PART VIII –
REGISTER OF THE CACHET SEAL**

For each impression	£6.00
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**PART IX –
REGISTER OF THE QUARTER SEAL**

Registration Fees

For each Gift of Ultimus Haeres	£22.00
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PART X – FEES APPLICABLE TO ALL REGISTERS

1. *Inspection Fees*

	£
1. For searching of any Search Sheet affecting one property	5.00
2. For exhibition of a Title Sheet	5.00
3. For the inspection of any other index, and volume, document or process	5.00
<i>Note: These fees do not apply where the information is available on request on a numbered form.</i>	

2. *Extracting and copying fees*

	£
1. For each page of an official extract, certified copy, plain copy or duplicate	0.30
2. For each page of an office copy, within the meaning of section 6(5) of the Act (or part thereof other than the plan)	0.30
3. For a plan (A4 size) (black and white)	1.00
For a plan (A4 size) (colour)	3.50
For a plan (larger than A4 size)	A fee being the value of the work and materials involved.
4. For each fiche of duplicate copies of existing microfiche	1.00
5. For the authentication of each official extract, certified copy, duplicate or office copy	2.50
6. For the handling of second and subsequent extracts and for copies	3.00
<i>Note: A handling fee is not charged for orders placed at the time of registration.</i>	

3. *Other Services*

	£
1. For a record retransmitted or transmitted to any court or exhibited therein, at the instance of a party, in accordance with the Rules of Court governing such transmissions or exhibitions	7.50
2. For attendance by an officer of the Registers of Scotland Executive Agency at any court to produce a record in evidence, for each day or part of a day, in addition to travelling expenses	100.00

£

Note:

At the discretion of the Keeper where an Officer of the Registers of Scotland Executive Agency attends with records for any purpose approved by the Keeper a lesser fee of £20 per hour may be applied. Travelling expenses may also be charged.

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| 3. For each Certificate issued under the Civil Jurisdiction and Judgments Act 1982((8)) | 4.00 |
| 4. For each Certificate of Custody that a deed is retained for permanent preservation | 4.00 |
| 5. For searches in records arising from postal enquiries, for each search | 25.00 |

Note:—

- (i) For persons unable to make a personal search in records the Keeper's staff may conduct searches over such records and subject to such conditions as the Keeper may prescribe. The Keeper has discretion to reduce or waive the charge in appropriate cases and reserves the right to decline such searches.
- (ii) The Keeper may require a deposit of a sum not exceeding £30.00 in the case of requests of a large nature.
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| 6. For any service not specifically listed above | A fee being the value of the work and materials involved. |
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PART XI
—TABLES OF FEES

1. TABLE A

<i>Consideration or Value</i>	<i>Fee</i>	£
does not exceed	10,000	22.00
does not exceed	15,000	33.00
does not exceed	20,000	44.00
does not exceed	25,000	55.00
does not exceed	30,000	66.00

(8) 1982 c. 27.

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<i>Consideration or Value</i>	<i>Fee</i>	
	£	£
does not exceed	35,000	77.00
does not exceed	40,000	88.00
does not exceed	45,000	99.00
does not exceed	50,000	110.00
does not exceed	55,000	121.00
does not exceed	60,000	132.00
does not exceed	65,000	143.00
does not exceed	70,000	154.00
does not exceed	75,000	165.00
does not exceed	80,000	176.00
does not exceed	85,000	187.00
does not exceed	90,000	198.00
does not exceed	95,000	209.00
does not exceed	100,000	220.00
does not exceed	105,000	231.00
does not exceed	110,000	242.00
does not exceed	115,000	253.00
does not exceed	120,000	264.00
does not exceed	125,000	275.000
does not exceed	130,000	286.00
does not exceed	135,000	297.00
does not exceed	140,000	308.00
does not exceed	145,000	319.00
does not exceed	150,000	330.00
does not exceed	155,000	341.00
does not exceed	160,000	352.00
does not exceed	165,000	363.00
does not exceed	170,000	374.00
does not exceed	175,000	385.00
does not exceed	180,000	396.00
does not exceed	185,000	407.00
does not exceed	195,000	429.00
does not exceed	200,000	440.00
does not exceed	300,000	500.00

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<i>Consideration or Value</i>	<i>Fee</i>	
	£	£
does not exceed	400,000	550.00
does not exceed	500,000	600.00
does not exceed	600,000	650.00
does not exceed	700,000	700.00
does not exceed	800,000	800.00
does not exceed	1,000,000	900.00
exceeds	1,000,000	1,000.00

2. TABLE B

<i>Amount</i>	<i>Fee</i>	
	£	£
does not exceed	20,000	22.00
does not exceed	30,000	33.00
does not exceed	40,000	44.00
does not exceed	50,000	55.00
does not exceed	60,000	66.00
does not exceed	70,000	77.00
does not exceed	80,000	88.00
does not exceed	90,000	99.00
does not exceed	100,000	110.00
does not exceed	110,000	121.00
does not exceed	120,000	132.00
does not exceed	130,000	143.00
does not exceed	140,000	154.00
does not exceed	150,000	165.00
does not exceed	160,000	176.00
does not exceed	170,000	187.00
does not exceed	180,000	198.00
does not exceed	190,000	209.00
does not exceed	200,000	220.00
does not exceed	300,000	250.00
does not exceed	400,000	275.00
does not exceed	500,000	300.00
does not exceed	600,000	325.00

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<i>Amount</i>	<i>Fee</i>	
	£	£
does not exceed	700,000	350.00
does not exceed	800,000	400.00
does not exceed	1,000,000	450.00
exceeds	1,000,000	500.00

EXPLANATORY NOTE

(This note is not part of the Order)

This Order sets out new fees for services provided by the Registers of Scotland Executive Agency. The Order, which revokes the previous Fee Orders of 1981 and 1990, consolidates the provisions of those Orders, introduces certain new services and charges, streamlines some earlier provisions and increases some fees to take account of inflation and the actual costs of provision of services.

(i) The main changes are as follows:–

- (a) revised bandings with appropriate fees have been introduced in relation to values exceeding £200,000 in both Table A and Table B fees. The value bands have also been extended to reflect the general increase in property prices with the top band now being £1,000,000 or over in place of the previous £250,000 or over. The maximum fees have been increased to £1,000 in place of the previous £550 for Table A and £500 in place of the previous £275 for Table B (Part XI); and
- (b) revised capitalisation arrangements for transactions with considerations including or consisting of periodical payments (Part I, 1 and Part II, 1);

(ii) other changes and new services introduced are as follows:–

- (a) a fee of £5 has been introduced for the new service provided of verbal and/or facsimile reports from the Land Register (Part I, 2);
- (b) the fees exigible in respect of multiple deeds arising from a single transaction have been regularised. Detailed provisions have been incorporated in Part III of the Order relating to both Sasine and Land Registration transactions;
- (c) fees of £3.50 and £1 respectively have been introduced for new services of colour copy plans and duplicate microfiches (Part X);
- (d) a fee of £25 has been specified for the postal enquiries service (Part X);
- (e) fees for a number of specific and rarely, if ever, used registration services have been dropped. In view of the difficulty in setting specified and realistic fees for such services, they will now be charged on the basis of the value of the work and materials involved. These relate to:–

General Register of Hornings

Register of Entails

Precept Records

Register of the Prince's Seal; and

- (f) where a deed has to be both recorded in the Sasine Register and registered in the Land Register a fee will now be charged for both Registers;
 - (iii) a number of fees are increased to take account of inflation. These are:–
 - (a) fees for Form 10 and 12 Reports in the Land Register have been increased from £15 to £16.50 in each case. (Part I, 2); and
 - (b) fees for Forms P16 and P17 Reports (applications for checking boundaries) have been increased from £15 to £16.50 in each case. (Part I, 3); and
 - (iv) a number of fees for services have been altered to take account of the actual costs of the work involved. These include:–
 - (a) fees for Form 11 and 13 Reports have been reduced from £15 to £10.00 (Part I, 2);
 - (b) a fixed fee of £22 has been introduced in respect of Miscellaneous Services in the Land Register namely applications on Form 5 (previously £5), Form 8 (previously £20), Form 9 and for cancellation of an application for registration for which no charge was previously levied (Part I, 3);
 - (c) the bands for Searching Fees have been simplified and fees increased by an average of 60% (Part II, 2);
 - (d) the fee for provision of interim reports has been increased from £3 to £5 (Part II, 2);
 - (e) the fee for writs recorded by Memorandum in the Register of Sasines has been increased from £2 to £11 (Part II, 1c);
 - (f) a flat rate fee of £7 has been introduced for registration in the Register of Inhibitions and Adjudications in place of the previous fee based on the number of pages involved. This is to reflect the fact that most writs for this Register are of limited size (Part IV);
 - (g) fees for registration in the Register of Deeds etc, Register of Protests and Register of Judgments have been increased to £5 from £3.70 in the case of registration of deeds and Certificates of Judgments and from £2.90 in the case of Protests of Bills or Promissory Notes. The fee of 75 pence per page takes account of the significant variation in the lengths of such deeds (Part V);
 - (h) the fee for registration of Decree of Service of Heirs has been increased from £2.20 to £22 (Part VI);
 - (i) the fee for a Charter of Incorporation has been increased from £133 to £170; the fee for a Charter of Novodamus or other Crown Grant of land has been increased from £21 to £22; the fee for a Commission under the Great Seal has been increased from £131 to £370 (Part VII);
 - (j) the fee for each impression of the Cachet Seal has been increased from £0.75 to £6.00 (Part VIII);
 - (k) the fee for each gift of Ultimus Haeres registered in the Register of the Quarter Seal has been increased from £16.80 to £22.00 (Part IX); and
 - (l) the fees for certain inspection, copying and other services applicable to all Registers have been increased as follows:–
 - (1) from £4.00 to £5.00 for the inspection of indexes and volumes (now in line with the other Inspection Fees);
 - (2) from £0.65 to £1.00 for a copy black and white plan;
 - (3) from £3.50 to £7.50 for a record transmitted to a court;

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(4) from £42 to £100 for attendance by one of the Keeper's staff in court for each day or part of a day; and

(5) from £2.60 to £4.00 for a Certificate issued under the Civil Jurisdiction and Judgments Act 1982 and for a Certificate of Custody(Part X).