
STATUTORY INSTRUMENTS

1994 No. 1974

The Land Registration Fees Order 1994

PART II

SCALE FEES

Application for first registration

2.—(1) Subject to article 6 (large scale applications, etc.), the fee for an application for first registration (other than an application for registration of title to a lease by an original lessee or his personal representative or an application for first registration of a rentcharge) shall be paid in accordance with Scale 1 in Schedule 1 on the value of the land comprised in the application determined in accordance with article 7.

(2) Subject to paragraph (3), and to article 6 (large scale applications, etc.), 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 1 in Schedule 1 on an amount calculated in accordance with the following formula:

$$A - P + (10 \times R)$$

where

A is the amount on which the fee is to be paid, P is the amount or value of any monetary consideration given by the lessee as part of the same transaction by way of fine, premium or otherwise, and R is the largest ascertainable amount of annual rent reserved by the lease.

(3) Where no monetary consideration is given by the lessee as part of the same transaction by way of fine, premium or otherwise and:

- (a) no annual rent is reserved; or
- (b) the annual rent reserved cannot be ascertained at the time the application is made,

a fee shall be paid on the value of the lease determined in accordance with article 7, subject to the minimum fee being £40.

Transfers of registered land for monetary consideration, etc

3.—(1) Subject to paragraphs (2) to (5), and to article 4(1)(j) (transfer of matrimonial home pursuant to an order of the Court) and article 6 (large scale applications, etc.), the fee for an application for the registration of:

- (a) a transfer of registered land for monetary consideration;
- (b) a transfer for the purpose of giving effect to a disposition for monetary consideration of a share in registered land;
- (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 1 in Schedule 1 on the amount or value of the consideration.

(2) Where a sale and sub-sale of land are effected by separate instruments of transfer, a separate fee shall be payable in respect of each transfer.

(3) Where a single instrument of transfer gives effect to a sale and a sub-sale of the same land a single fee shall be assessed upon the greater of the monetary consideration given by the purchaser or the monetary consideration given by the sub-purchaser in respect of that land.

(4) Where a single instrument of transfer gives effect to a sale, and a sub-sale of part only of the land comprised in the sale, the fee payable shall be the aggregate of:

- (a) a fee assessed upon the monetary consideration given by the sub-purchaser in respect of the land comprised in the sub-sale; and
- (b) a fee assessed upon the amount (if any) by which the monetary consideration given by the purchaser in respect of the land comprised in the sale exceeds the monetary consideration given by the sub-purchaser in respect of the land comprised in the sub-sale.

(5) Where an instrument gives effect to an exchange of registered land for other registered land (whether or not money is paid by way of equality) it shall be treated for the purpose of assessing the fee payable for its registration as two separate transfers, each being for monetary consideration equal to the sum of the value of the land received in exchange and the amount or value of any monetary consideration given to the transferor by way of equality of exchange.

(6) 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 1 in Schedule 1 on the value thereof immediately prior to its determination.

Transfers otherwise than for monetary consideration, etc.

4.—(1) Subject to paragraph (2) and (3), to article 6 (large scale applications, etc.) and to paragraph (7) of Schedule 5 (applications to which section 145(2) of the Act applies), 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 a 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 vesting order or declaration made under section 47 of the Act;
- (i) a rectification of the register;
- (j) a transfer of a matrimonial home (being registered land) made pursuant to an order of the Court;

shall be paid in accordance with Scale 2 in Schedule 2 on the value of the land which is the subject of the dealing, determined in accordance with article 8, but after deducting therefrom the amount secured upon the land by any charge subject to which the registration takes effect.

(2) In the case of a disposition of a share only in registered land the fee shall be paid in accordance with Scale 2 in Schedule 2, on the equivalent proportion of the value of the land which is the subject

of the dealing but after deducting therefrom an equivalent proportion of the amount secured on the land by any charge subject to which the registration takes effect.

(3) 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.

Charges of registered land

5.—(1) Subject to paragraphs (5) and (6), and to article 6 (large scale applications, etc.), the fee for an application for the registration of a charge shall be paid in accordance with Scale 3 in Schedule 3 on the amount of the charge determined in accordance with article 9.

(2) Subject to article 6 (large scale applications, etc.), the fee for an application for the registration of:

- (a) the transfer of a charge for monetary consideration; or
- (b) a transfer for the purpose of giving effect to the disposition for monetary consideration of a share in a registered charge;

shall be paid in accordance with Scale 3 in Schedule 3 on the amount or value of the consideration.

(3) Subject to article 6 (large scale applications, etc.) and to paragraph (7) of Schedule 5 (applications to which section 145(2) of the Act applies), the fee for an application for the registration of the transfer of a registered charge otherwise than for monetary consideration shall be paid in accordance with Scale 2 in Schedule 2 on the amount secured by the registered charge at the time of the transfer or, where the transfer relates to more than one charge, the aggregate of the amounts secured by the registered charges at the time of the transfer.

(4) Subject to article 6 (large scale applications, etc.) and to paragraph (7) of Schedule 5 (applications to which section 145(2) of the Act applies), the fee for an application for the registration of 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 2 in Schedule 2 on the equivalent proportion of the amount secured by the registered charge at the time of the transfer or, where the transfer relates to more than one charge, the equivalent proportion of the aggregate of the amounts secured by the registered charges at the time of the transfer.

(5) Subject to paragraph (6), where, on an application to which article 2 or 3 applies (“the primary application”), a charge by the applicant or by a predecessor in title of the 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.

(6) Where a charge to which paragraph (5) applies also comprises registered land (“the additional land”) which is not the subject of the primary application, paragraph (5) shall not extend to the additional land so that there shall be paid a fee in accordance with Scale 3 in Schedule 3 on an amount calculated in accordance with the following formula:

$$A = \frac{V_A \times C}{V_C}$$

where

A is the amount on which the fee is payable, V_A is the value of the additional land, V_C is the value of all the land comprised in the charge and C is the amount of the charge determined in accordance with article 9.

Large scale applications, etc.

6.—(1) In this article:

- (a) “large area application” means an application falling within article 2 (first registration of land; first registration of title to a lease) which comprises land having an area or aggregate area exceeding 100 hectares;
- (b) “large scale application” means an application falling within articles 2, 3, 4 or 5, other than a large area application or a low value application, which relates to not fewer than 20 units of land;
- (c) “low value application” means an application falling within articles 3, 4 or 5 where the value of the land, or the amount of the charge, to which it relates (as the case may be) does not exceed £25,000;
- (d) “unit of land” means:
 - (i) where the land is unregistered, a separate area of land not adjoining any other unregistered land comprised in the same application;
 - (ii) where the land is registered, the land registered under a single title number.

(2) The fee for a large scale application falling within articles 2, 3, 4 or 5 shall be:

- (a) £20 in respect of each unit of land to which the application relates; or
- (b) the amount payable in respect of the application under article 2, 3, 4, or 5, as the case may be,

whichever is the greater.

(3) If, having regard to the extent of the land comprised in a large area application, 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.