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STATUTORY INSTRUMENTS

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**1997 No. 178**

**The Land Registration Fees Order 1997**

**PART II**

*Scale fees*

**Applications 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 first 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 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 in accordance with Scale 1 in Schedule 1 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)(i) (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 that 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 (“the first land”) for other registered land (“the second 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, being a transfer of the first land for monetary consideration equal to the value of the first land and a transfer of the second land for monetary consideration equal to the value of the second land.

(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 paragraphs (2) and (3), to article 6 (large scale applications, etc.) and to paragraph (8) of Schedule 4 (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 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;
- (c) a surrender of a registered lease otherwise than for monetary consideration (whether effected by deed or otherwise);
- (d) a transmission of registered land on death or bankruptcy;
- (e) an assent of registered land (including a vesting assent);
- (f) an appropriation of registered land;
- (g) a vesting order or declaration made under section 47 of the Act;
- (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 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) Where a transfer falling within paragraph (1)(a) is one for the purpose of giving effect to the disposition of a share in registered land the fee for an application for its registration shall be paid in accordance with Scale 2 in Schedule 2 on the value of that share.

(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 2 in Schedule 2 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 2 in Schedule 2 on the amount or value of the consideration.

(3) Subject to article 6 (large scale applications, etc.), and to paragraph (8) of Schedule 4 (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 (8) of Schedule 4 (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 a proportionate part of the amount secured by the registered charge at the time of the transfer or, where the transfer relates to more than one charge, a proportionate part of the aggregate of the amounts secured by the registered charges at the time of the transfer.

(5) Subject to paragraph (6), where a scale fee application (“the primary application”) is made that will, when completed, result in a person (“the applicant”) becoming registered as the proprietor of particular registered land or of one or more registered charges, no fee shall be payable for the registration of a charge by the applicant (or, where the primary application is for the first registration of title to land, by a predecessor in title of the applicant) which charges the registered land or the registered charge or charges which are the subject of the primary application, provided the charge by the applicant either accompanies the primary application or is lodged for registration before the primary application is completed.

(6) Where a charge by an applicant referred to in paragraph (5) also charges property (“the additional property”) which comprises registered land or, as the case may be, one or more registered charges, not being property which is the subject of the primary application referred to in paragraph (5), that paragraph shall not extend to the additional property so that a fee shall be paid in accordance with Scale 2 in Schedule 2 for the registration of the charge by the applicant in respect of the additional property 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 or amount of the additional property,  $V_C$  is the value of all the property 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 a scale fee application which relates to not fewer than 20 land units, other than—
  - (i) a large area application;
  - (ii) a low value application; or
  - (iii) an application to register a charge to which article 5(5) applies, except to the extent that it relates to additional land within the meaning of article 5(6);
- (c) “low value application” means a scale fee application, other than an application falling within article 2 (applications for first registration), where the value of the land, or the amount of the charge, to which it relates (as the case may be) does not exceed £30,000.
- (d) “land unit” 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 shall be whichever is the greater of:

- (a) the amount payable in respect of the application under article 2, 3, 4 or 5, as the case may be; or
- (b) a fee calculated on the following basis—
  - (i) where the application relates to not more than 500 land units, £10 for each land unit to which it relates;
  - (ii) where the application relates to more than 500 land units, £5,000 plus £5 for each land unit to which it relates in excess of 500 land units,provided that the fee shall in no case exceed £40,000.

(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 the scale fee otherwise payable, such additional fee shall be payable as the Registrar shall direct as appropriate not exceeding the excess cost of the work involved.