
STATUTORY INSTRUMENTS

1997 No. 178

The Land Registration Fees Order 1997

PART V

General and Administrative Provisions

Refund of fees

12.—(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(3) Subject to article 10(5), if any application is cancelled or withdrawn no part of the fee thereof shall be refunded unless the Registrar so directs.

Cost of advertisements and special enquiries

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

Fixed boundaries

14. 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

15. Where application for special expedition in connection with an application is granted, such further fee, being not less than £40, shall be payable as the Registrar shall direct having regard to the special work involved.

Applications not otherwise referred to

16. 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 1 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

17. Fees payable under this Order shall be collected in money and, subject to article 18:
- (a) every fee shall, except where the Registrar otherwise permits, be paid by means of a cheque or postal order crossed and made payable to H.M. Land Registry;
 - (b) where the amount of the fee payable on an application is immediately ascertainable, the fee shall be payable on delivery of the application;
 - (c) where the amount of the 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 1 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

18.—(1) In this article “credit limit” in relation to a credit account authorised for use under paragraph (2) means the maximum amount (if any) which is to be due on the account at any time, as notified by the Registrar to the account holder from time to time, by such means of communication as the Registrar considers appropriate.

(2) 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.

(3) For the purpose of enabling the Registrar to consider whether or not a person or firm seeking to use a credit account may be authorised to use such an account, that person or firm shall furnish to the Registrar such information and evidence as the Registrar may require to satisfy him of the person or firm’s fitness to hold a credit account and the ability of the person or firm to pay any amounts which may become due from time to time under a credit account, if authorised.

(4) For the purpose of enabling the Registrar to consider from time to time whether or not an account holder may continue to be authorised to use a credit account, the account holder shall furnish to the Registrar from time to time, when requested to do so by the Registrar, such information and evidence as the Registrar may require to satisfy him of the account holder’s continuing fitness to hold a credit account and the continuing ability of the account holder to pay any amounts which may become due from time to time under the account holder’s credit account.

(5) 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, but the Registrar shall not be required to accept such a request where the amount due on the account exceeds the credit limit applicable to the credit account, or would exceed it if the request were to be accepted.

(6) Where a person or firm having a credit account makes an 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 such account, the Registrar may debit the fee to that person’s or that firm’s credit account.

(7) 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.

(8) On receipt of the statement the account holder shall pay by cheque any sum due on his credit account forthwith.

(9) 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.

(10) The Registrar may at any time and without giving reasons terminate or suspend any or all authorisations given under paragraph (2).