

LAND REGISTRATION ETC. (SCOTLAND) ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 11: Miscellaneous and General

Fees

Section 110: Fees

239. This section provides the fee power under which Scottish Ministers may authorise the Keeper of the Registers to charge fees for services provided in connection with the functions conferred on the Keeper by the Act.
240. Subsection (1)(a) allows Scottish Ministers to provide for what fees may be charged. Subparagraph (i) allows for the setting of fees for registration services in relation to any of the Keeper's registers (of which there are 16, including the Land Register, the General Register of Sasines, the Register of Inhibitions and the Books of Council and Session). This power includes power to set the rate at which fees are payable for certain services as well as to set the amount that can be charged for the registration of any particular type of application.
241. Subparagraphs (ii) and (iii) of subsection (1)(a) also apply to all of the Keeper's registers. In the case of sub-paragraph (iii) (the provision of information by the Keeper), subsection (4) makes clear that the fee power can cover extracts and copy certificates provided under section 104.
242. Subsection (1)(b) allows Scottish Ministers to provide for the method of payment of fees. For example, this may be used to facilitate direct debit.
243. Subsection (1)(c) allows Scottish Ministers to delegate the setting of fees to the Keeper within defined parameters. If used, this will allow fees to be increased or reduced between fee orders. This could allow, for example, the Keeper to increase or reduce the fee for a type of application for a period of time.
244. Subsection (2) allows different fees to be set for types of application. It would allow, for example, for the fee for the processing of electronic applications to be set at a lower level than for paper applications or for the fee for voluntary registrations to be different to that for first registrations.
245. Subsection (3) ensures the Keeper is consulted about the Keeper's expenses (which the proceeds of the fees will meet) in advance of making an order under this section.
246. Subsection (4)(b) ensures that the power to provide consultancy services under section 108 is not affected by this section.