

This Order supersedes the one laid in the Scottish Parliament on 16 May 2014. It is being issued free of charge to all known recipients of that draft Order.

Draft Order laid before the Scottish Parliament under section 116(3)(1) of the Land Registration etc. (Scotland) Act 2012 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No. 000

REGISTERS AND RECORDS

The Registers of Scotland (Fees) Order 2014

Made - - - - 2014

Coming into force in accordance with article 1(2) and (3)

The Scottish Ministers make the following Order in exercise of the powers conferred by section 110(1) and (2), 116(1) and 117(1) of the Land Registration etc. (Scotland) Act 2012^(a) and all other powers enabling them to do so.

In accordance with section 110(3) of that Act, the Scottish Ministers have consulted the Keeper of the Registers of Scotland about (among other things), the expenses incurred by the Keeper in relation to the matters specified in section 110(3)(a) and (b) of that Act and the desirability of encouraging registering, recording and entering in any register under the management and control of the Keeper.

In accordance with section 116(3)(1) of the Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

- 1.—(1) This Order may be cited as the Registers of Scotland (Fees) Order 2014.
- (2) With the exception of the sub-paragraph mentioned in paragraph (3), this Order comes into force on 8th December 2014.
- (3) Paragraph 3(1) of Part 1 of Schedule 1 comes into force on 9th February 2015.

Interpretation

- 2.—(1) In this Order—
“the Act” means the Land Registration etc. (Scotland) Act 2012;

(a) 2012 asp 5 (“the 2012 Act”).

“the 2003 Act” means the Title Conditions (Scotland) Act 2003(a);

“application for dual registration” means an application made for registration of—

- (a) a constitutive deed under section 4(5) of the 2003 Act; or
- (b) a deed creating a positive servitude under section 75(1) of the 2003 Act;

“application for variation of a title condition” means an application made for registration of—

- (a) a deed of variation or discharge granted by virtue of section 33 or 35 of the 2003 Act;
- (b) an order of the Lands Tribunal for Scotland under section 90(1)(c) or 91 or on the refusal of an application made under section 90(1)(c) of the 2003 Act; or
- (c) a deed of discharge by virtue of section 15 of the 2003 Act;

“ARTL system” means the computer system managed and controlled by the Keeper to enable the creation of electronic documents and the electronic generation and communication of an application for registration of a deed relating to a registered plot in the Land Register of Scotland and automated registration of that deed; and

“relevant rent” means the largest amount of annual rent a lease reserves within the first 10 years of its term that can be—

- (a) quantified; or
- (b) estimated, where that amount cannot be quantified,
at the date an application to register the grant of the lease is made.

(2) For the purposes of the definition of “application for dual registration” and “application for variation of a title condition”, “registration” in relation to a deed, notice or order means registering in the Land Register or recording the deed in the Register of Sasines.

Fees

3. The fee payable in relation to—

- (a) registering a plot of land or a deed in the Land Register is specified in Parts 1 and 3 of Schedule 1;
- (b) recording a deed in the Register of Sasines is specified in Parts 2 and 3 of Schedule 1;
- (c) registering a document in the Chancery and Judicial Registers(b) is specified in Part 4 of Schedule 1;
- (d) registering or updating the registration schedule of a croft, common grazing or land held runrig in the Crofting Register(c) is specified in Part 5 of Schedule 1;
- (e) registering a tenant’s interest in acquiring land in the Register of Community Interests in Land(d) for the purposes of the Agricultural Holdings (Scotland) Act 2003(e) is specified in Part 6 of Schedule 1; and
- (f) access to any register under the management and control of the Keeper and information made available by the Keeper is specified in Part 7 of Schedule 1.

(a) 2003 asp 9, amended by S.S.I. 2003/53, the National Health Service Reform (Scotland) Act 2004 (asp 7), schedule 2, paragraph 1, the Tenements (Scotland) Act 2004 (asp 11), schedule 4, S.S.I. 2004/551, S.S.I. 2006/379, the Tribunals, Courts and Enforcement Act 2007 (c.15), Schedule 8, paragraphs 57 and 58, the Climate Change (Scotland) Act 2009 (asp 12), section 68, the Long Leases (Scotland) Act 2012 (asp 9), schedule 1, paragraph 3, the 2012 Act, schedule 5, paragraph 43 and S.S.I. 2013/2042.

(b) The Chancery and Judicial Registers is a collective term for the Register of Inhibitions, the Register of Deeds and Probative Writs in the Books of Council and Session and the Register of Judgments and other registers noted in Part 4 of Schedule 1.

(c) The Crofting Register was established by section 3 of the Crofting Reform (Scotland) Act 2010 (asp 14).

(d) The Register of Community Interests in Land was established by section 36 of the Land Reform (Scotland) Act 2003 (asp 2).

(e) 2003 asp 11.

Authorisation for the Keeper to determine fees

- 4.**—(1) The Keeper is authorised, in accordance with this article, to make a determination—
- (a) increasing; or
 - (b) decreasing,
- any fee set out in Schedule 1 by an amount not exceeding £10.
- (2) A determination increasing fees under paragraph (1)(a)—
- (a) may only be made where—
 - (i) necessary to prevent material damage to the Keeper’s financial position; and
 - (ii) that damage arises from conditions which cannot be otherwise mitigated by action by the Keeper; and
 - (b) subsists for a maximum period of 2 years from the date on which it comes into effect, after which it ceases to have effect.
- (3) A determination decreasing fees under paragraph (1)(b)—
- (a) may only be made where it would have no material negative impact on the Keeper’s financial position; and
 - (b) subsists for a maximum period of one year from the date on which it comes into effect, after which it ceases to have effect.
- (4) The Keeper must consult the Scottish Ministers about any such increase or decrease in fees.
- (5) Any determination under this article—
- (a) must state the date on which it comes into effect; and
 - (b) may have effect only after a minimum period of 3 months’ notice from the date of its publication on the Keeper’s website(a).

Revocations

5. The instruments specified in columns 1 and 2 of Schedule 2 are revoked to the extent specified in column 3 of the Schedule, subject to the savings in article 6.

Saving provisions

6.—(1) The Fees in the Registers of Scotland Order 1995(b) continues to have effect on and after 8th December 2014 as it had effect immediately before that date in respect of any—

- (a) application for registering, recording or entering in any register under the management and control of the Keeper mentioned in that Order;
- (b) request for a search or information, including copies and extracts relating to those registers,

received by the Keeper before 8th December 2014.

(2) The Community Right to Buy (Register of Community Interests in Land Charges) (Scotland) Regulations 2004(c) continue to have effect on and after 8th December 2014 as they had effect immediately before that date in respect of any request for copies or extracts of entries in the Register of Community Interests in Land received by the Keeper before 8th December 2014.

(a) <http://www.ros.gov.uk/>

(b) S.I. 1995/1945, amended by S.I. 1999/1085, S.S.I. 2001/163, S.S.I. 2004/507, S.S.I. 2005/580, S.S.I. 2006/600, S.S.I. 2009/171, S.S.I. 2010/404, S.S.I. 2011/211 and S.S.I. 2013/59.

(c) S.S.I. 2004/230.

(3) The Agricultural Holdings (Fees) (Scotland) Order 2004(a) continues to have effect on and after 8th December 2014 as it had effect immediately before that date in respect of any—

- (a) application for registration in the Register of Community Interests in Land of tenants' interests in acquiring land;
- (b) request for extracts and copy extracts of registration relating to that Register for the purposes of the Agricultural Holdings (Scotland) Act 2003;

received by the Keeper before 8th December 2014.

(4) The Crofting Register (Fees) (Scotland) Order 2012(b) continues to have effect on and after 8th December 2014 as it had effect immediately before that date in respect of any—

- (a) application for—
 - (i) registration in the Crofting Register;
 - (ii) updating a registration schedule;
- (b) request for searches, reports, copies of documents or information relating to that Register,

received by the Keeper before 8th December 2014.

Name

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

(a) S.S.I. 2004/496.

(b) S.S.I. 2012/295, amended by S.S.I. 2012/328.

SCHEDULE 1

PART 1

Article 3(a)

Land Register of Scotland

Applications for deeds (other than heritable securities) and voluntary registration

1.—(1) Where an application mentioned in paragraph (3) is made, subject to paragraphs (4) to (7), the fee is calculated on the—

- (a) amount of the consideration paid; or
- (b) value of the plot of land,

whichever is the greater.

(2) Where an application mentioned in paragraph (3) is made, subject to paragraphs (8) and (9), the fee is at the rates shown—

- (a) in column 2; or
- (b) where the application may be, and is, made using the ARTL system, in column 3,

of the Table of Fees in Part 3 of this Schedule.

(3) This paragraph applies to an application for registration of—

- (a) a disposition of, or a notice of title to, an unregistered plot of land;
- (b) an unregistered plot of land by virtue of section 27(1) of the Act; or
- (c) a disposition of a registered plot of land.

(4) Where the application is to register a plot of land excambed, the fee is calculated on the value of the land transferred.

(5) Where the consideration consists of a yearly or periodical payment, the consideration is calculated at 10 years' purchase.

(6) Where the application is to register the grant of a lease, the fee is calculated on the consideration (if any) provided for that grant plus 10 times the relevant rent.

(7) Where the application is made to register the assignation of a lease, the fee is calculated on the consideration (if any) provided for the assignation plus 10 times the relevant rent payable at the date of the application.

(8) Where an application affects a number of title sheets, the fee is at the rates shown in the Table of Fees in Part 3 of this Schedule plus an additional fee of £60 for every title sheet affected other than the first.

(9) The additional fee of £60 mentioned in paragraph (8) does not apply to a—

- (a) shared plot title sheet designated under section 17(2) of the Act where the first title sheet affected is a sharing plot; or
- (b) shared lease title sheet designated under schedule 1, paragraph 2(a) of the Act where the first title sheet affected is a sharing lease.

Heritable securities

2. Where an application is made for registration in respect of a heritable security, including the constitution, transfer, variation, postponement, corroboration or extinction of a security, the fee is—

- (a) £60 for each title sheet affected; or

- (b) where an application may be, and is, made using the ARTL system, £50 for each title sheet affected.

Related fees and services

3.—(1) Where an application is—

- (a) rejected under section 21(3) of the Act; or
- (b) withdrawn under section 34(1)(a) of the Act,

the fee is £30.

(2) In respect of an application for—

- (a) an advance notice under section 57(1) of the Act; or
- (b) a discharge of an advance notice under section 63(1) of the Act,

the fee is £10.

(3) In respect of an application to make an entry in, or remove an entry from, a title sheet—

- (a) where an order is granted by the court under—
 - (i) section 67(3) of the Act, for warrant to place a caveat on a title sheet;
 - (ii) section 69(2) of the Act, for warrant to renew a caveat;
 - (iii) section 70(2) of the Act to restrict a caveat; or
 - (iv) section 71(2) of the Act, to recall a caveat; or
- (b) where, under section 72 of the Act, a person discharges a caveat,

the fee is £60.

(4) Where an application is received in respect of a registered plot of land, to request the Keeper to vary warranty under section 76(2) of the Act, the fee is £60.

PART 2

Article 3(b)

Register of Sasines

Completion of title

4. Where the recording of completion of title by decree or a notice of title is made, the fee is—

- (a) calculated on the value of the heritable subjects to which the recording relate; and
- (b) at the rates shown in column 2 of the Table of Fees in Part 3 of this Schedule.

Heritable securities

5. In respect of the recording of a heritable security, including the constitution, transfer, variation, postponement, corroboration or extinction of a security, the fee is £60.

Recording by memorandum

6. Where any writ is presented in the Register of Sasines for recording by memorandum, the fee is £60 for each memorandum.

Additional extract or plain copy

7. Where a deed is being recorded, in respect of an additional extract or plain copy requested at the date of the application for recording, the fee is £10 plus VAT.

PART 3

Article 3(a) and (b)

Fees for registrations and recordings in the Land Register of Scotland and the Register of Sasines

Industrial and Provident Society receipts

8. No fee is payable in respect of an application for registration or recording of receipts under the Industrial and Provident Societies Act 1965(a).

Other deeds

9. Where an application for registration is made under section 21 of the Act, or for recording in the Register of Sasines, of other deeds not referred to in Parts 1 and 2 of this Schedule, the fee is—

- (a) £60 for each title sheet affected or each deed recorded; or
- (b) where the application may be, and is, made using the ARTL system, £50 for each title sheet affected or each deed recorded.

Dual registration

10. Where an application for registration under section 21 of the Act or for recording a deed in the Register of Sasines comprises an application for dual registration or an application for variation of a title condition and no fee is provided in respect of such application in Parts 1 and 2 of this Schedule, the fee is £60 in respect of that application plus £60 for every title sheet other than the first affected by that application and for each deed recorded.

Table of Fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Consideration paid or value £</i>	<i>Fee £</i>	<i>ARTL Fee £</i>
0 - 50,000	60	50
50,001 - 100,000	120	90
100,001 - 150,000	240	180
150,001 - 200,000	360	270
200,001 - 300,000	480	360
300,001 - 500,000	600	450
500,001 - 700,000	720	540
700,001 - 1,000,000	840	660
1,000,001 - 2,000,000	1,000	800
2,000,001 - 3,000,000	3,000	2,500
3,000,001 - 5,000,000	5,000	4,500
5,000,001 or more	7,500	7,000

(a) 1965(c.12), There are no relevant amendments.

PART 4

Article 3(c)

The Chancery and Judicial Registers

Registration Fees		
<i>Register</i>	<i>Product/Service</i>	<i>Fee</i>
Register of Inhibitions	For each document	£15
Register of Deeds and Probative Writs in the Books of Council and Session	For each document (including first extract)	£10
Register of Protests	For each document (including first extract)	£10
Register of Judgments	For each document (including first extract)	£10
Register of the Great Seal	For a charter of incorporation	£250
	For a Commission	£630
Register of the Cachet Seal	For each impression	£30
Register of the Quarter Seal	For each gift of <i>ultimus haeres</i> or <i>bona vacantia</i>	£130
All	When a document is being registered, an additional extract or plain copy requested at the date of the application for registration	£10 plus VAT
None	For each certificate issued under the Civil Jurisdiction and Judgments Act 1982	£30

PART 5

Article 3(d)

The Crofting Register

Applications for registration and updating a registration schedule	
<i>Product/Service</i>	<i>Fee</i>
Registration of a croft under section 4(1) or (2) of the Crofting Reform (Scotland) Act 2010 (“2010 Act”)	£90
Updating the registration schedule of a registered croft following an event under section 5(1) of the 2010 Act	£90
Registration of a common grazing under section 24(1)(a) or (b) of the 2010 Act	£90

Updating the registration schedule of a registered common grazing under section 25(1) of the 2010 Act	£90
Registration of land held runrig under section 32(1) of the 2010 Act	£90
Updating the registration schedule of registered land held runrig following an event under section 32(5) of the 2010 Act	£90

PART 6

Article 3(e)

The Register of Community Interests in Land

<i>Product/service</i>	<i>Fee</i>
Initial registration of a tenant's interest	£40
Subsequent registration of an existing or previously registered interest	£25

PART 7

Article 3(f)

Fees for access to a register under the management and control of the Keeper and information made available by the Keeper

<i>Register</i>	<i>Product/service</i>	<i>Fee</i>
All registers under the management and control of the Keeper(a)	Request in writing by letter or email or electronically by submitting the form on Registers of Scotland website for inspection of a register in respect of one title (including one plain copy)	£20 plus VAT
All registers under the management and control of the Keeper	Request made in person at a Registers of Scotland Customer Service Centre(b) for inspection of a register in respect of one title (including one plain copy)	£30 plus VAT
Land Register	Extract(c) of— <ul style="list-style-type: none"> • Title sheet and part of the cadastral map • Title sheet • Part of a title sheet • Part of cadastral map 	£30 plus VAT

(a) The Crofting Register, the Register of Community Interests in Land and the Register of Sites of Special Scientific Interest may be searched online for no fee at <http://www.ros.gov.uk/customerservices/index.html>.

(b) Meadowbank House, 153 London Road, Edinburgh EH8 7AU or Hanover House, 23 Douglas Street, Glasgow G2 7NQ.

(c) Section 104(1) of the Land Registration etc. (Scotland) Act 2012.

(d) Section 104(2) of the Land Registration etc. (Scotland) Act 2012.

	<ul style="list-style-type: none"> • Document from the archive record • Part of document from the archive record <p>Certified copy(d) of—</p> <ul style="list-style-type: none"> • Application • Advance notice • Document in the application record • Part of document in application record 	
Land Register	<p>Plain copy of—</p> <ul style="list-style-type: none"> • Title sheet and part of the cadastral map • Title sheet • Part of a title sheet • Part of cadastral map • Document from the archive record • Part of document from the archive record • Application • Advance notice • Document in the application record • Part of document in application record 	£16 plus VAT
Register of Sasines	Extract of recorded deed	£30 plus VAT
Register of Sasines	Plain copy of recorded deed	£16 plus VAT
Crofting Register	<ul style="list-style-type: none"> • Office copy of a registration schedule of a croft, common grazing or land held runrig • Information provided by the Keeper regarding the suitability of an applicant's map for registration purposes in the Crofting Register 	£30 plus VAT

Crofting Register	<ul style="list-style-type: none"> • Plain copy of a registration schedule of a croft, common grazing or land held runrig • Copy of an Ordnance Survey map supplied for the purpose of registration in the Crofting Register 	£16 plus VAT
Register of Community Interests in Land	<ul style="list-style-type: none"> • Extract of registration • Plan (colour) 	£30 plus VAT
Register of Community Interests in Land	<ul style="list-style-type: none"> • Plain copy of registration • Plan (black and white) 	£16 plus VAT

SCHEDULE 2

Article 5

Revocations

<i>Instruments</i>	<i>References</i>	<i>Extent</i>
The Fees in the Registers of Scotland Order 1995(a)	S.S.I. 1995/1945	The whole Order
The Fees in the Registers of Scotland Amendment Order 1999	S.I. 1999/1085	The whole Order
The Fees in the Registers of Scotland Amendment Order 2001	S.S.I. 2001/163	The whole Order
The Fees in the Registers of Scotland Amendment Order 2004	S.S.I. 2004/507	The whole Order
The Fees in the Registers of Scotland Amendment Order 2005	S.S.I. 2005/580	The whole Order
The Fees in the Registers of Scotland Amendment Order 2006	S.S.I. 2006/600	The whole Order
The Fees in the Registers of Scotland Amendment Order 2009	S.S.I. 2009/171	The whole Order
The Fees in the Registers of Scotland Amendment Order 2010	S.S.I. 2010/404	The whole Order
The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011	S.S.I. 2011/211	Schedule 2, paragraph 16
The Fees in the Registers of Scotland (Consequential Provisions) Amendment Order 2013	S.S.I. 2013/59	The whole Order
The Community Right to Buy (Register of Community Interests in Land Charges) (Scotland) Regulations 2004	S.S.I. 2004/230	The whole Regulations

(a) S.I. 1995/1945, amended by S.I. 1999/1085, S.S.I. 2001/163, S.S.I. 2004/507, S.S.I. 2005/580, S.S.I. 2006/600, S.S.I. 2009/171, S.S.I. 2010/404, S.S.I. 2011/211 and S.S.I. 2013/59.

The Agricultural Holdings (Fees) (Scotland) Order 2004	S.S.I. 2004/496	The whole Order
The Crofting Register (Fees) (Scotland) Order 2012(a)	S.S.I. 2012/295	The whole Order
The Crofting Register (Fees) (Scotland) Amendment Order 2012	S.S.I. 2012/328	The whole Order

(a) S.S.I. 2012/295, amended by S.S.I. 2012/328.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the fees payable in relation to registering, recording or entering in registers under the management and control of the Keeper of the Registers of Scotland, access to those registers and information made available by the Keeper.

It replaces the instruments providing for fees payable to the Keeper and sets fees for new products required by the Land Registration etc. (Scotland) Act 2012 (“the 2012 Act”).

Article 3 provides for the fees payable for:—

- registering a deed or plot of land in the Land Register of Scotland (Parts 1 and 3 of Schedule 1);
- recording a deed in the Register of Sasines (Parts 2 and 3 of Schedule 1);
- registering a document in the Chancery and Judicial Registers (Part 4 of Schedule 1);
- registering a croft, common grazing or land held runrig in the Crofting Register (Part 5 of Schedule 1);
- registering a tenant’s interest in acquiring land in the Register of Community Interests in Land for the purposes of the Agricultural Holdings (Scotland) Act 2003 (Part 6 of Schedule 1);
- access to and information from any register under the management and control of the Keeper (Part 7 of Schedule 1).

No fee is charged in relation to electronic access (other than in respect of requests made in person at a Registers of Scotland Customer Service Centre) to the Crofting Register, the Register of Community Interests in Land and the Register of Sites of Special Scientific Interest.

Fees charged by the Keeper before this Order comes into force remain the same, except for—

- rejections and cancellations of registration applications are charged at £30 or a fee not exceeding £400 respectively; under the Order both cancellations and rejections become subject to a fee of £30 (paragraph 3(1) of Schedule 1);
- an application for registration or recording of receipts under the Industrial and Provident Societies Act 1965 is charged at £0.25; under the Order no fee will be charged (paragraph 8 of Schedule 1);
- the Register of Community Interests in Land charges separate fees for each page of an extract (£0.50), plan of different sizes (£2 or £5), authentication (£4) and handling additional extracts and copies (£6); under the Order these fees are aligned with other fees charged by the Keeper to £30 for an extract and £16 for a plain copy;
- search requests using the Keeper’s Customer Services Centre are charged separately for a request in writing (£8) or in person (£12) with a fee for each title searched against (£3) and each copy deed printed from Registers Direct (£3); under the Order inspection fees of £20 and £30 are charged for requests in writing or in person, respectively, for each title searched against whether or not it produces a nil return, combined with an entitlement to one plain copy (Part 7 of Schedule 1).

Article 4 authorises the Keeper to vary any fee by a maximum amount of £10 to increase it in circumstances where it is necessary to protect the Keeper’s financial position or decrease it where there would be no impact on the Keeper’s financial position. The variation would subsist for a maximum period of 2 years or 1 year, respectively and be subject to consultation with the Scottish Ministers and providing customers with 3 months’ notice on the Keeper’s website.

Article 5 and Schedule 2 revoke the instruments providing for fees payable to the Keeper and article 6 makes savings in respect of applications and requests for information made before that revocation.

Section 108(3) of the 2012 Act also allows the Keeper to charge fees for consultancy, advisory and other commercial services.

A Business Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from Registers of Scotland, Meadowbank House, 153 London Road, Edinburgh EH8 7AU.

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