

1988 No. 665

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration Fee Order 1988

Made - - - - - 29th March 1988

Coming into force - - - - - 1st June 1988

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 144 of the Land Registration Act 1925(a), and the Treasury, in exercise of the powers conferred on them by section 145 of that Act and sections 2 and 3 of the Public Offices Fees Act 1879(b), hereby make and concur in the following Order:

PART I

Citation, commencement and interpretation

1.—(1) This Order, which supersedes the Land Registration Fee Order 1986(c), may be cited as the Land Registration Fee Order 1988 and shall come into force on 1988.

(2) In this Order unless the context otherwise requires:

“account holder” means a person or firm holding a credit account;

“the Act” means the Land Registration Act 1925;

“charge” includes sub-charge;

“compulsory area” means an area in which registration of title is compulsory on sale;

“credit account” means an account authorised by the Registrar under article 15(1);

“licensed conveyancer” has the same meaning as in section 11(2) of the Administration of Justice Act 1985(d) and includes a recognised body within the meaning of section 32(2) of that Act;

“monetary consideration” means a consideration in money or money’s worth (other than a nominal consideration or a consideration solely of a covenant to pay money owing under a mortgage);

“scale fee” means a fee payable in accordance with a scale set out in Schedule 1 or 2;

“Schedule” means a Schedule to this Order;

“share in registered land” means a share in the proceeds of sale of registered land held on trust for sale.

(a) 1925 c.21.

(b) 1879 c.58.

(c) S.I. 1986/1399.

(d) 1985 c.61.

PART II

SCALE AND FIXED FEES; ABATEMENTS AND EXEMPTIONS

Scale fees

2.—(1) Subject to article 6(1), the fee for an application for the first registration of a title (other than an application by an original lessee referred to in paragraph (2) of this article or an owner of a rentcharge referred to in paragraph 6 of Part I of Schedule 3) shall be paid in accordance with Scale A in Schedule 1 on the value of the land determined in accordance with article 3.

(2) Subject to article 6, 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 A in Schedule 1 on any money payment made by the lessee as part of the same transaction by way of fine, premium or otherwise and in accordance with Scale B in Schedule 2 on the largest ascertainable amount of annual rent reserved:

Provided that—

- (a) where the amount of the rent is not ascertainable at the date of application for registration, the lease shall be treated as having been granted at a rent which attracts a fee of £25 in accordance with Scale B in Schedule 2;
- (b) where no money payment is made by the lessee as part of the same transaction by way of fine, premium or otherwise and no annual rent is reserved or the largest ascertainable amount of annual rent reserved is less than £1 a fee of £25 shall be payable.

(3) Subject to paragraph (5)(g) and to article 6(3), the fee for an application for the registration of:

- (a) a transfer of registered land or of a registered charge for monetary consideration;
- (b) a transfer for the purpose of giving effect to the disposition for monetary consideration of a share in registered land or in a registered charge;
- (c) a surrender of a registered lease for monetary consideration (whether effected by deed or otherwise);

shall be paid in accordance with Scale A in Schedule 1 on the amount or value of the consideration:

Provided that, where a sale and sub-sale of land are effected by one instrument of transfer, the fee shall be assessed upon the consideration paid by the sub-purchaser in respect of that land.

(4) The fee for an application for the registration of:

- (a) an exchange (whether or not money is paid for equality);
- (b) a surrender of a registered lease otherwise than for monetary consideration (whether effected by deed or otherwise);
- (c) a vesting order or declaration made under section 47 of the Act;

shall be paid in accordance with Scale A in Schedule 1 on the value of the land in each registered title which is the subject of the dealing, determined in accordance with article 4, but after deducting therefrom the amount secured upon the land by any prior charge.

(5) Subject to paragraph 7 of Part II of Schedule 4, 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 the disposition otherwise than for monetary consideration of a share in registered land;
- (c) a transmission on death or bankruptcy;
- (d) an assent (including a vesting assent);
- (e) an appropriation;
- (f) a rectification of the register;
- (g) a transfer of a matrimonial home made pursuant to an order of the Court;

shall be paid in accordance with Scale A in Schedule 1, reduced in accordance with Abatement 2 in Part I of Schedule 4, on the value of the land in each registered title which is the subject of the dealing, determined in accordance with article 4, but after deducting therefrom the amount secured upon the land by any prior charge:

Provided that in the case of a disposition of only a share in registered land the fee shall be paid in accordance with Scale A in Schedule 1, reduced in accordance with Abatement 2 in Part I of Schedule 4, on the equivalent proportion of the value of the land in each registered title which is the subject of the dealing but after deducting therefrom an equivalent proportion of the amount secured on the land by any prior charge.

(6) Subject to article 6(3) and paragraph 7 of Part II of Schedule 4, the fee for an application for the registration of:

- (a) a charge;
- (b) the transfer of a charge otherwise than for monetary consideration;
- (c) 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 A in Schedule 1 on the amount of the charge determined in accordance with article 5:

Provided that in the case of a disposition of only a share in a registered charge the fee shall be paid in accordance with Scale A in Schedule 1 on the equivalent proportion of the amount of each registered charge which is the subject of the dealing.

(7) 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 A in Schedule 1 on the value thereof at the time of its determination.

Valuation (first registration)

3.—(1) In the case of an application by a purchaser for the first registration of title to land made within one year of a sale (other than an exchange, whether or not money is paid for equality, or the sale of a share only in the proceeds of sale of such land) the value of the land shall be taken as the amount of the purchase money together with the amount outstanding at the time of the purchase under any charge or mortgage subject to which the land was purchased.

(2) In the case of an application for first registration not falling within paragraph (1), the value of the land shall be ascertained by the Registrar at such sum as in his opinion the land would fetch if sold in the open market at the date of the application free from any charge or mortgage; and as evidence of such value the Registrar may require a statement in writing, signed by the applicant or his solicitor or licensed conveyancer or by any other person who, in the Registrar's opinion, is competent to make such a statement.

(3) Where an application for first registration is made on the purchase of a leasehold estate by the reversioner or of a reversion by the leaseholder or on any other like occasion and merger of an unregistered interest takes place, the value of the land shall be the combined value of the reversionary and merged interests determined in accordance with paragraphs (1) and (2).

Valuation (registered land)

4. Where the value of the land in a registered title falls to be determined under this Order it shall be ascertained by the Registrar at such sum as in his opinion the land would fetch if sold in the open market at the date of the application free from any charge or mortgage; and as evidence of such value the Registrar may require a statement in writing, signed by the applicant or his solicitor or licensed conveyancer or by any other person who, in the Registrar's opinion, is competent to make such a statement.

Valuation (charges)

5.—(1) Where the amount of a charge falls to be determined under this Order it shall be taken to be:

- (a) in the case of a fixed charge, the amount secured by the charge;
- (b) in the case of a charge to secure further advances, where the total amount of the advances or of the money to be owing at any one time is in any way limited, the amount so limited;
- (c) in the case of a charge to secure further advances, where the total amount of the advances or of the money to be owing at any one time is in no way limited, an amount equal to the value of the registered land comprised in the charge after deducting therefrom the amount secured on it by any prior registered charge.

(2) Where a charge of a kind referred to in paragraph (1)(a) or (1)(b) is secured on unregistered land or other property as well as on registered land, the fee in accordance with article 2(5) shall be payable on an amount calculated in accordance with the following formula:

$$\frac{\text{Value of registered land}}{\text{Value of whole security}} \times \text{Amount of the charge}$$

(3) The fee in accordance with Scale A in Schedule 1 for the registration of a charge by way of additional or substituted security or by way of guarantee shall be payable on the lesser of:

- (a) the amount secured or guaranteed; or
- (b) the value of the land after deducting the amount secured on the land by any prior registered charge.

Large scale applications

6.—(1) Where an application for:

- (a) first registration of title to land; or
- (b) first registration of title to a lease of unregistered land;

relates to a title or lease comprising not fewer than 100 separate areas of land the fee payable in respect of such application shall be either £5 in respect of each such separate area of land or the amount payable under article 2, whichever is the greater.

(2) For the purpose of paragraph (1) any land occupied together with a dwelling or a commercial or industrial unit shall be treated as forming part of the same separate area of land as that dwelling or commercial or industrial unit.

(3) Where an application for:

- (a) first registration of title to a lease of registered land;
- (b) registration of a transfer of registered land or of a registered charge for monetary consideration;
- (c) registration of a transfer for the purpose of giving effect to the disposition for monetary consideration of a share in registered land or in a registered charge; or
- (d) registration of a charge;

relates to land comprised in not less than 100 registered titles the fee payable in respect of such application shall be either £5 in respect of each such title or the amount payable under article 2, whichever is the greater.

Fixed fees

7.—(1) The fees for the applications and services specified in Schedule 3 shall be those set out in that Schedule.

(2) The Registrar may, if he thinks fit, waive or remit any fee or part of a fee or any category of fee payable under this article.

Abatements and exemptions

8.—(1) The abatements set out in Part I of Schedule 4 shall apply in respect of the applications therein mentioned.

(2) No fee shall be payable in respect of any of the applications and services specified in Part II of Schedule 4.

PART III

GENERAL AND ADMINISTRATIVE PROVISIONS

Refund of fees

9.—(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(2), if any application is cancelled or withdrawn no part of the fee therefor shall be refunded unless the Registrar so directs.

Exceptional work and costs

10.—(1) If the Registrar considers that an application for:

- (a) a search of the index map;
- (b) first registration (other than an application founded upon an assurance inducing compulsory registration of title); or
- (c) conversion from one class of title to another;

entails an exceptional amount of work, such fee or additional fee shall be payable as the Registrar shall direct without having regard to any maximum fee.

(2) Notification of the fee or additional fee shall be given to the applicant and, if he then elects to withdraw his application, any fee already paid thereon shall be refunded.

(3) If in the course of dealing with any application, the Registrar directs publication of an advertisement, the making of a survey (other than a survey to identify on the ordnance map land which is registered or is required to be registered under section 123 of the Act or is in a compulsory area) or any other special enquiry, the costs so incurred shall be defrayed by the applicant unless the Registrar directs to the contrary.

Fixed boundaries

11. Where application is made for the boundaries of land to be noted on the register as fixed under rule 277 of the Land Registration Rules 1925(a) 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

12. Where application for special expedition in connection with an application is granted, such further fee, being not less than £25, shall be payable as the Registrar shall direct having regard to the special work involved.

Applications not otherwise referred to

13. 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 A 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

14. Subject to article 15:

- (a) every fee shall be paid by means of a cheque or postal order crossed and made payable to H. M. Land Registry;
- (b) where a fee is paid by means of cheque and it comes to the notice of the

(a) S.R. & O. 1925/1093; relevant amending instrument is S.I. 1987/2214.

Registrar before the application has been completed that the cheque has not been honoured, the application may be cancelled;

- (c) where the amount of a fee payable on an application is immediately ascertainable, the fee shall be paid on delivery of the application;
- (d) where the amount of a 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 A 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

15.—(1) 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.

(2) 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.

(3) 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.

(4) On receipt of the statement and if no question arises thereon the account holder shall pay by cheque any sum due on his account forthwith.

(5) 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.

(6) The Registrar may at any time and without giving reasons terminate or suspend any or all authorisations given under paragraph (1).

Dated 23rd March 1988

Mackay of Clashfern, C.

Peter Lloyd

David Lightbown

Dated 29th March 1988 Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1

Article 2

SCALE A

APPLICATIONS FALLING UNDER ARTICLE 2

NOTE 1: On application for registration of title by original lessee, fees are payable under this scale on the amount of any premium and also in accordance with Scale B in Schedule 2 on the amount of any annual rent.

NOTE 2: For abatement of fee for registration of charge accompanying application to register a transaction for monetary consideration upon which a scale fee is payable see Abatement 1 in Part I of Schedule 4.

NOTE 3: For abatement of fee in respect of certain transactions not for monetary consideration see Abatement 2 in Part I of Schedule 4.

NOTE 4: Where the amount of the value is a figure which includes pence, the value may be rounded down to the nearest £1.

<i>Value</i> £	<i>Fee</i> £
0 – 20,000	25
20,001 – 25,000	30
25,001 – 30,000	35
30,001 – 35,000	40
35,001 – 40,000	50
40,001 – 45,000	60
45,001 – 50,000	70
50,001 – 60,000	80
60,001 – 70,000	100
70,001 – 80,000	120
80,001 – 90,000	140
90,001 – 100,000	160
100,001 – 150,000	180
150,001 – 200,000	200
200,001 – 300,000	225
300,001 – 400,000	250
400,001 – 500,000	275
500,001 – 600,000	300
600,001 – 700,000	325
700,001 – 800,000	350
800,001 – 900,000	375
900,001 – 1,000,000	400
1,000,001 – 2,000,000	500
2,000,001 – 3,000,000	600
3,000,001 – 4,000,000	700
4,000,001 – 5,000,000	800
5,000,001 & over	900

SCHEDULE 2

Article 2(2)

SCALE B

FIRST REGISTRATION BY ORIGINAL LESSEE

NOTE 1: On application for registration of title by original lessee, fees are payable under this scale on the amount of the annual rent and also, if there is a premium, in accordance with Scale A in Schedule 1 on the amount of such premium.

NOTE 2: For abatement of fee for registration of charge accompanying application to register a transaction for monetary consideration upon which a scale fee is payable, see Abatement 1 in Part I of Schedule 4.

NOTE 3: For abatement of fee for registration of a “Right to Buy” lease, see Abatement 3 in Part I of Schedule 4.

NOTE 4: Where the amount of the rent is a figure which includes pence, the rent may be rounded down to the nearest £1.

<i>Annual Rent</i> £	<i>Fee</i> £
under 1	0
1 – 2,500	25
2,501 – 5,000	50
5,001 – 7,500	75
7,501 – 10,000	100
10,001 – 20,000	200
20,001 – 30,000	300
30,001 – 40,000	400
40,001 & over	500

SCHEDULE 3

Article 7

PART I

APPLICATIONS

	<i>Fee</i>
(1) To register or modify a caution, restriction, notice (including a priority notice) or inhibition, or a note for which no other provision is made by this Order and for which the Registrar considers a fee should be paid — for each title affected	£25
Provided that—	
(a) no such fee shall be payable if, in relation to each registered title affected, the application is accompanied by an application affecting that title upon which a scale fee is payable;	
(b) the maximum fee on any one application shall be £250.	
(2) To close or partly close a registered leasehold or rentcharge title other than on surrender (whether or not the surrender is for monetary consideration and whether effected by deed or otherwise) — for each title closed or partly closed.....	£25
Provided that no such fee shall be payable if the application is accompanied by an application upon which a scale fee is payable.	
(3) To remove land from the register	£25
(4) To convert from one class of title to another.....	£25
Provided that no fee shall be payable if the application for conversion is accompanied by an application upon which a scale fee is payable.	
(5) To replace a lost or destroyed land certificate or charge certificate (in addition to the cost of any advertisement)	£25
(6) First registration of a title to a rentcharge.....	£25
(7) To cancel an entry in the register of notice of an unregistered rentcharge which has determined on merger, redemption or otherwise.....	£25
Provided that no such fee shall be payable if the application is accompanied by an application upon which a scale fee is payable.	

PART II

SERVICES

(1) Official search of the index of proprietors' names – per name.....	£10
(2) Personal search of the register or any part thereof other than by the registered proprietor.....	£10
(3) Service of notice under rule 288(4) of the Land Registration Rules 1925 (application to inspect register by person interested).....	£10
(4) To take an affidavit or declaration	£3

SCHEDULE 4

Article 8

PART I

ABATEMENTS

Charge accompanying application for first registration and registered transactions for monetary consideration

Abatement 1 Where, on an application (“the primary application”) for:

- (a) first registration of land or a lease;
- (b) registration of a transfer of registered land or of a registered charge for monetary consideration;
- (c) registration of a transfer for the purpose of giving effect to the disposition

for monetary consideration of a share in registered land or a registered charge; or

(d) registration of an exchange;

a charge by the applicant or by a predecessor in title of such 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:

Provided that where the charge also comprises registered land ("the additional land") which is not the subject of the primary application the abatement shall not extend to the additional land so that, in addition to the fee payable in respect of the primary application, there shall be paid a fee in accordance with Scale A in Schedule 1 on an amount calculated in accordance with the following formula:

$$\frac{\text{Value of the additional land}}{\text{Value of whole security}} \times \text{Amount of charge}$$

Certain transactions not for monetary consideration

Abatement 2 Subject to paragraph 7 of Part II of Schedule 4, in the case of an application for:

- (a) a transfer of registered land or a registered charge otherwise than for monetary consideration;
- (b) a transfer for the purpose of giving effect to the disposition otherwise than for monetary consideration of a share in registered land or a registered charge;
- (c) a transmission on death or bankruptcy;
- (d) an assent (including a vesting assent);
- (e) an appropriation;
- (f) a rectification of the register;
- (g) a transfer of a matrimonial home made pursuant to an order of the Court;

the fee payable in accordance with Scale A in Schedule 1 shall be reduced to one fifth:

Provided that the minimum fee on any one application shall be £25.

Leases made under the provisions of Part V Housing Act 1985(a)

Abatement 3 Where on an application for first registration of a lease made pursuant to the provisions of Part V Housing Act 1985 (Right to Buy) or to any statutory instrument applying the same for which a fee is payable in accordance with Scale B in Schedule 2 on the largest ascertainable amount of annual rent reserved, the fee in accordance with Scale B shall be reduced to one fifth.

PART II

EXEMPTIONS

No fee shall be payable in respect of:

- (1) making a land certificate or charge certificate correspond with the register;
- (2) changing the name, address or description of a registered proprietor or other person referred to on the register, or changing the description of a property;
- (3) registering a discharge of a registered charge;
- (4) registering a notice or renewal of a caution or notice pursuant to the Matrimonial Homes Act 1983(b);
- (5) registering a notice, or a withdrawal of a notice of deposit or intended deposit of a land certificate or charge certificate;
- (6) entering on the register the death of a joint proprietor;
- (7) registering a disposition to which section 145(2) of the Act (dispositions otherwise than for valuable consideration by personal representatives of a deceased proprietor registered as such) applies;

(a) 1985 c.68.

(b) 1983 c.19.

- (8) cancelling the registration of a notice (other than a notice in respect of an unregistered lease or unregistered rentcharge), caution, inhibition, restriction or note;
 - (9) approving an estate layout plan or any draft document with or without a plan;
 - (10) supplying an office copy of the register or of the title plan or of any document referred to on the register as being filed;
 - (11) inspection at the Registrar's discretion of any document under rule 290(1) of the Land Registration Rules 1925;
 - (12) a search of the register (except a personal search made by a person other than the registered proprietor);
 - (13) an official inspection of a filed plan;
 - (14) subject to article 10(1), a search of the index map;
 - (15) issuing of a summons under the seal of the Land Registry;
 - (16) an order by the Registrar;
 - (17) disclosure to a residential tenant of his landlord's name and address under rule 288(3) of the Land Registration Rules 1925.
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EXPLANATORY NOTE

(This note is not part of the Order)

The Order, which supersedes the Land Registration Fee Order 1986 ("the 1986 Order"), restructures the land registration fee scales and makes certain other changes.

Overall the new fee scales effect a reduction of fees but minimum scale fees and some fixed fees have been raised.

The changes include the following:

- (1) Scales 1 and 4 in Schedule 1 and 4 respectively to the 1986 Order are replaced by a single new scale, Scale A (article 2 and Schedule 1);
- (2) Scale 2 in Schedule 2 to the 1986 Order is renamed Scale B and comprises fewer value bands of increased width (article 2(2) and Schedule 2);
- (3) Scale 3 in Schedule 3 to the 1986 Order is abolished and most of the transactions which formerly fell within that scale are now brought within the new Scale A with the fee thereunder reduced to one fifth by a new abatement, subject to an overall minimum fee of £25 (article 2(5) and Schedule 4, Part I);
- (4) A new alternative fee of £5 for each separate area of land or registered title affected is introduced in respect of first registration applications and applications to register specified transactions for monetary consideration where such applications affect not less than 100 such separate areas of land or registered titles, as the case may be, if such fee exceeds the fee otherwise payable under Scales A and B (article 6);
- (5) A fee of £25 is prescribed for those substantive applications attracting a fixed fee and for an application for special expedition (articles 7(1) and 12, and Schedule 3, Part I);
- (6) Provision is made enabling the Registrar at his discretion to make refunds of overpaid fees due to credit account holders through their credit accounts (article 9(2));
- (7) Where the Registrar considers a search of the Index Map entails exceptional work he may now direct a fee to be paid (article 10(1));
- (8) Abatements 1 and 2 in Part I of Schedule 6 to the 1986 Order are replaced by a single new abatement which exempts from fee charges lodged with or before completion of specified applications, but only to the extent that the charges comprise land comprised in those applications (article 8(1) and Schedule 4, Part I).