2004 No. 1833

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration Fee (Amendment) Order 2004

Made - - - - - *20th July 2004*

Laid before Parliament *22nd July 2004*

Coming into force in accordance with article 1(1)

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 127 of the Land Registration Act 2002(**a**), and with the consent of the Treasury, in exercise of the powers conferred on him by section 102 of that Act, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Land Registration Fee (Amendment) Order 2004 and shall come into force on the day that section 2 of the Commonhold and Leasehold Reform Act 2002(**b**) comes into force.

(2) In this Order "the principal Order" means the Land Registration Fee Order 2004(**c**) and in the following articles a reference to a numbered article or Schedule is a reference respectively to the article or Schedule in the principal Order bearing that number.

Amendment of the principal Order

2. The principal Order is amended as follows.

Amendment of article 1—Citation, commencement and interpretation

3. There is inserted in article 1, after paragraph (2), the following paragraph—

"(2A) In this Order, the terms: "a commonhold"; "commonhold association"; "common parts"; "commonhold community statement"; "commonhold land"; "commonhold unit"; "developer"; "termination application" and "unit-holder" have the same meaning as they have in the Commonhold and Leasehold Reform Act 2002."

Amendment of article 5—Charges of registered estates or registered charges

4. In article 5(2), for the words "a scale fee application" there is substituted "either a scale fee application or an application to which paragraph (17) in Part 1 of Schedule 3 applies."

Amendment of article 6—Large scale applications, etc.

5. In article 6(1)(b), for the words "a low value application" there is substituted "an application to register a disposition by the developer affecting the whole or part of the freehold estate in land which has been registered as a freehold estate in commonhold land, or a low value application".

(**a**) 2002 c. 9.
(**b**) 2002 c. 15.
(**c**) S.I. 2004/595.

Amendment of article 9—Fixed fees

6.—(1) Article 9 is amended as follows.

(2) In paragraph (1), after the words "paragraph (2)" there is inserted "and (3)".

(3) After paragraph (2), there is inserted—

"(3) Where an application is one specified in paragraphs (1), (2) or (10) in Part 1 of Schedule 3 affecting the whole or part of the freehold estate in land which has been registered as a freehold estate in commonhold land registered in the name of the developer under more than one title number, the fee is to be assessed as if the application affects only one title."

Amendment of Part 1 of Schedule 3—Fixed fee applications

7. After paragraph (13) in Part 1 of Schedule 3, there is inserted—

"(14) To register a freehold estate in land as a freehold estate in commonhold land which is not accompanied by a statement under section 9(1)(b) of the Commonhold and Leasehold Reform Act 2002:

(a) up to 20 commonhold units £40

(b) for every 20 commonhold units, or up to 20 commonhold units, thereafter £10

(15) To add land to a commonhold:

(a) adding land to the common parts title £40

(b) adding land to a commonhold unit £40

(c) adding commonhold units

—up to 20 commonhold units £40

—for every 20 commonhold units, or up to 20 commonhold units, thereafter . £10

(16) To apply for a freehold estate in land to cease to be registered as a freehold estate in commonhold land during the transitional period, as defined in the Commonhold and Leasehold Reform Act 2002 ..... £40

(17) To register a freehold estate in land as a freehold estate in commonhold land, which is accompanied by a statement under section 9(1)(b) of the Commonhold and Leasehold Reform Act 2002

—for each commonhold unit converted £40

(18) To register an amended commonhold community statement which changes the extent of the common parts or any commonhold unit:

(a) for the common parts £40

(b) for up to three commonhold units £40

(c) for each subsequent commonhold unit £20

Provided that no such fee shall be payable if, in relation to each registered title affected, the application is accompanied by a scale fee application or another application that attracts a fee under this Part

(19) To register an amended commonhold community statement, which does not change the extent of a registered title within the commonhold £40

Provided that no such fee shall be payable if, in relation to each registered title affected, the application is accompanied by a scale fee application or another application that attracts a fee under this Part.

(20) To register an alteration to the Memorandum or Articles of Association of a commonhold association £40

(21) To make a termination application

—for each registered title affected £40

(22) To note the surrender of a development right under section 58 of the Commonhold and Leasehold Reform Act 2002 ..... £40"

Amendment of Part 2 of Schedule 3—Services—Inspection and copying

8.—(1) Part 2 of Schedule 3 is amended as follows.

(2) After paragraph (1)(c), there is inserted—

"(ca) for the register and title plan of a commonhold common parts title £2"

(3) After paragraph (2)(c), there is inserted—

"(ca) for the register and title plan of a commonhold common parts title £4"

(4) After paragraph (3)(b) there is inserted—

"(c) for each commonhold common parts register and title plan:

(i) where an official copy in electronic form is requested from a remote terminal by virtue of a notice under rule 132 ..... £2

(ii) where an official copy in paper form is requested by any other permitted means ..... £4"

Signed by the authority of the Lord Chancellor

David Lammy
Parliamentary Under Secretary of State
Department for Constitutional Affairs

Date 14th July 2004

Joan Ryan
Jim Murphy
Two of the Lords Commissioners of Her Majesty's Treasury

Date 20th July 2004

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Land Registration Fee Order 2004 ("the main order") so as to prescribe fees for applications made under the Commonhold and Leasehold Reform Act 2002 (2002 c.15) (articles 7 and 8, as amending Schedule 3 to the main order).

Under the main order the fees for certain applications may depend upon the number of registered titles involved. This Order provides that where such an application relates to the freehold estate in commonhold land registered in the name of the developer the fee will be unaffected by the number of such titles (articles 5 and 6 as amending articles 6 and 9 of the main order).

A regulatory impact assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Land Registry, 32 Lincoln's Inn Fields, London, WC2A 3PH.

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