2004 No. 595

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration Fee Order 2004

Made - - - - -	*3rd March 2004*
Laid before Parliament	*9th March 2004*
Coming into force - -	*1st April 2004*

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:

PART 1

General

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Land Registration Fee Order 2004 and shall come into force on 1st April 2004.

(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 2002,

"charge" includes a sub-charge,

"credit account" means an account authorised by the registrar under article 14(1),

"large scale application" is as defined in article 6(1),

"monetary consideration" means a consideration in money or money's worth (other than a nominal consideration or a consideration consisting solely of a covenant to pay money owing under a mortgage),

"premium" means the amount or value of any monetary consideration given by the lessee as part of the same transaction in which a lease is granted by way of fine, premium or otherwise, but, where a registered leasehold estate of substantially the same land is surrendered on the grant of a new lease, the premium for the new lease shall not include the value of the surrendered lease,

"profit" means a profit a prendre in gross,

"rent" means the largest amount of annual rent the lease reserves within the first five years of its term that can be quantified at the time an application to register the lease is made,

"the rules" means the Land Registration Rules 2003(**b**) and a rule referred to by number means the rule so numbered in the rules,

"Scale 1" means Scale 1 in Schedule 1,

"Scale 2" means Scale 2 in Schedule 2,

(**a**) 2002 c. 9.
(**b**) S.I. 2003/1417.

"scale fee" means a fee payable in accordance with a scale set out in Schedule 1 or 2 whether or not reduced in accordance with article 2(6),

"scale fee application" means an application which attracts a scale fee, or which would attract such a fee but for the operation of article 6,

"share", in relation to land, means an interest in that land under a trust of land,

"surrender" includes a surrender not made by deed,

"voluntary application" means an application for first registration (other than for the registration of title to a rentcharge, a franchise or a profit) which is not made wholly or in part pursuant to section 4 of the Act (when title must be registered).

(3) Expressions used in this Order have, unless the contrary intention appears, the meaning which they bear in the rules.

PART 2

Scale fees

Applications for first registration and applications for registration of a lease by an original lessee

2.—(1) The fee for an application for first registration of an estate in land is payable under Scale 1 on the value of the estate in land comprised in the application assessed under article 7 unless the application is—

(a) for the registration of title to a lease by the original lessee or his personal representative, where paragraph (2) applies,

(b) a voluntary application, where paragraph (6) applies, or

(c) a large scale application, where article 6 applies.

(2) The fee for an application for the registration of title to the grant of a lease by the original lessee or his personal representative is payable under Scale 1—

(a) on an amount equal to the sum of the premium and the rent, or

(b) where

(i) there is no premium, and

(ii) either there is no rent or the rent cannot be quantified at the time the application is made,

on the value of the lease assessed under article 7 subject to a minimum fee of £40,

unless either of the circumstances in paragraph (3) applies.

(3) Paragraph (2) shall not apply if the application is—

(a) a voluntary application, where paragraph (6) applies, or

(b) a large scale application, where article 6 applies.

(4) The fee for an application for the first registration of a rentcharge is £40.

(5) The fee for an application for the first registration of a franchise or a profit is payable under Scale 1 on the value of the franchise or the profit assessed under article 7.

(6) The fee for a voluntary application is the fee which would otherwise be payable under paragraphs (1) and (2) for applications to which those paragraphs apply reduced by 25 per cent and, where the reduced fee would be a figure which includes pence, the fee must be adjusted to the nearest £10.

(7) In paragraph (2) "lease" means—

(a) a lease which grants an estate in land whether or not the grant is a registrable disposition, or

(b) a lease of a franchise, profit or manor the grant of which is a registrable disposition.

Transfers of registered estates for monetary consideration, etc.

3.—(1) Subject to paragraphs (2), (3) and (4), the fee for an application for the registration of—

(a) a transfer of a registered estate for monetary consideration,

(b) a transfer for the purpose of giving effect to a disposition for monetary consideration of a share in a registered estate, or

(c) a surrender of a registered leasehold estate for monetary consideration, other than a surrender to which paragraph (3) of Schedule 4 applies,

is payable under Scale 1 on the amount or value of the consideration.

(2) Paragraph (1) shall not apply if the application is—

(a) a large scale application, where article 6 applies, or

(b) for the registration of a transfer of a matrimonial home made pursuant to an order of the court, where article 4(1)(h) applies.

(3) Where a sale and sub-sale of a registered estate are made by separate deeds of transfer, a separate fee is payable for each deed of transfer.

(4) Where a single deed of transfer gives effect to a sale and a sub-sale of the same registered estate a single fee is assessed upon the greater of the monetary consideration given by the purchaser and the monetary consideration given by the sub-purchaser.

(5) The fee for an application to cancel an entry in the register of notice of an unregistered lease which has determined is payable under Scale 1 on the value of the lease immediately before its determination assessed under article 7.

Transfers of registered estates otherwise than for monetary consideration, etc.

4.—(1) Unless the application is a large scale application (where article 6 applies), the fee for an application for the registration of—

(a) a transfer of a registered estate otherwise than for monetary consideration (unless paragraph (2) applies),

(b) a surrender of a registered leasehold estate otherwise than for monetary consideration,

(c) a transfer of a registered estate by operation of law on death or bankruptcy, of an individual proprietor,

(d) an assent of a registered estate (including a vesting assent),

(e) an appropriation of a registered estate,

(f) a vesting order or declaration to which section 27(5) of the Act applies,

(g) an alteration of the register, or

(h) a transfer of a matrimonial home (being a registered estate) made pursuant to an order of the Court,

is payable under Scale 2 on the value of the registered estate which is the subject of the application, assessed under article 7, but after deducting from it the amount secured on the registered estate by any charge subject to which the registration takes effect.

(2) Where a transfer of a registered estate otherwise than for monetary consideration is for the purpose of giving effect to the disposition of a share in a registered estate, the fee for an application for its registration is payable under Scale 2 on the value of that share.

Charges of registered estates or registered charges

5.—(1) The fee for an application for the registration of a charge is payable under Scale 2 on the amount of the charge assessed under article 8 unless it is an application to which paragraphs (2), (3) or (4) apply.

(2) No fee is payable for an application to register a charge lodged with or before the completion of a scale fee application ("the primary application") that will result in the chargor being registered as proprietor of the registered estate included in the charge unless—

(a) the charge includes a registered estate which is not included in the primary application, where paragraph (4) applies, or

(b) the primary application is a voluntary application, in which case this paragraph shall apply only if the application to register the charge accompanies the primary application.

(3) No fee is to be paid for an application to register a charge made by a predecessor in title of the applicant that is lodged with or before completion of an application for first registration of the estate included in the charge.

(4) Where a charge also includes a registered estate which is not included in the primary application ("the additional property") any fee payable under Scale 2 is to be assessed on an amount calculated as follows:

$$\frac{\text{Value of the additional property}}{\text{Value of all the property included in the charge}} \quad X \quad \text{Amount secured by the charge}$$

(5) The fee for an application for the registration of—

(a) the transfer of a registered charge for monetary consideration, or

(b) a transfer for the purpose of giving effect to a disposition for monetary consideration of a share in a registered charge,

is payable under Scale 2 on the amount or value of the consideration.

(6) The fee for an application for the registration of the transfer of a registered charge otherwise than for monetary consideration is payable under Scale 2 on—

(a) the amount secured by the registered charge at the time of the transfer or,

(b) where the transfer relates to more than one charge, the aggregate of the amounts secured by the registered charges at the time of the transfer.

(7) The fee for an application for the registration of a transfer for the purpose of giving effect to a disposition otherwise than for monetary consideration of a share in a registered charge is payable under Scale 2 on—

(a) the proportionate part of the amount secured by the registered charge at the time of the transfer, or,

(b) where the transfer relates to more than one charge, the proportionate part of the aggregate of the amounts secured by the registered charges at the time of the transfer.

(8) This article takes effect subject to article 6 (large scale applications).

Large scale applications, etc.

6.—(1) In this article—

(a) "land unit" means—

(i) the land registered under a single title number other than, in the case of an application to register a charge, any estate under any title number which is included in a primary application within the meaning of article 5(2), or

(ii) on a first registration application, a separate area of land not adjoining any other unregistered land affected by the same application.

(b) "large scale application" means a scale fee application which relates to 20 or more land units, other than a low value application,

(c) "low value application" means a scale fee application, other than an application for first registration, where the value of the land or the amount of the charge to which it relates (as the case may be) does not exceed £30,000.

(2) The fee for a large scale application is the greater of—

(a) the scale fee, and

(b) a fee calculated on the following basis—

(i) where the application relates to not more than 500 land units, £10 for each land unit, or

(ii) where the application relates to more than 500 land units, £5,000 plus £5 for each land unit in excess of 500, up to a maximum of £40,000.

(3) If a large scale application is a voluntary application, the fee payable under this article is reduced in accordance with article 2(6).

PART 3

Valuation

Valuation (first registration and registered estates)

7.—(1) The value of the estate in land, franchise, profit, manor or share is the maximum amount for which it could be sold in the open market free from any charge—

(a) in the case of a surrender, at the date immediately before the surrender, and

(b) in any other case, at the date of the application.

(2) As evidence of the amount referred to in paragraph (1), the registrar may require a written statement signed by the applicant or his conveyancer or by any other person who, in the registrar's opinion, is competent to make the statement.

(3) Where an application for first registration is made on—

(a) the purchase of a leasehold estate by the reversioner,

(b) the purchase of a reversion by the leaseholder, or

(c) any other like occasion,

and an unregistered interest is determined, the value of the land is the combined value of the reversionary and determined interests assessed in accordance with paragraphs (1) and (2).

Valuation (charges)

8.—(1) On an application for registration of a charge, the amount of the charge is—

(a) where the charge secures a fixed amount, that amount,

(b) where the charge secures further advances and the maximum amount that can be advanced or owed at any one time is limited, that amount,

(c) where the charge secures further advances and the total amount that can be advanced or owed at any one time is not limited, the value of the property charged,

(d) where the charge is by way of additional or substituted security or by way of guarantee, an amount equal to the lesser of—

(i) the amount secured or guaranteed, and

(ii) the value of the property charged,

(e) where the charge secures an obligation or liability which is contingent upon the happening of a future event ("the obligation"), and is not a charge to which sub-paragraph (d) applies, an amount equal to—

(i) the maximum amount or value of the obligation, or

(ii) if that maximum amount is greater than the value of the property charged, or is not limited by the charge, or cannot be calculated at the time of the application, the value of the property charged.

(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 a registered estate or registered charge, the fee is payable on an amount calculated as follows—

$$\frac{\text{Value of the registered estate or registered charge}}{\text{Value of all the property charged}} \quad \text{X} \quad \text{Amount of the charge}$$

(3) Where one deed contains two or more charges made by the same chargor to secure the same debt, the deed is to be treated as a single charge, and the fee for registration of the charge is to be paid on the lesser of—

(a) the amount of the whole debt, and

(b) an amount equal to the value of the property charged.

(4) Where one deed contains two or more charges to secure the same debt not made by the same chargor, the deed is to be treated as a separate single charge by each of the chargors and a separate fee is to be paid for registration of the charge by each chargor on the lesser of—

(a) the amount of the whole debt, and

(b) an amount equal to the value of the property charged by that chargor.

(5) In this article "value of the property charged" means the value of the registered estate or the amount of the registered charge or charges affected by the application to register the charge, less the amount secured by any prior registered charges.

PART 4

Fixed Fees and Exemptions

Fixed fees

9.—(1) Subject to paragraph (2) and to article 10, the fees for the applications and services specified in Schedule 3 shall be those set out in that Schedule.

(2) The fee for an application under rule 140 shall be the aggregate of the fees payable for the services provided, save that the maximum fee for any one application shall be £200.

Exemptions

10. No fee is payable for any of the applications and services specified in Schedule 4.

PART 5

General and Administrative Provisions

Cost of surveys, advertisements and special enquiries

11. The applicant is to meet the costs of any survey, advertisement or other special enquiry that the registrar requires to be made or published in dealing with an application.

Applications not otherwise referred to

12. Upon an application for which no other fee is payable under this Order and which is not exempt from payment, there shall be paid a fee of £40.

Method of payment

13.—(1) Except where the registrar otherwise permits, every fee shall be paid by means of a cheque or postal order crossed and made payable to the Land Registry.

(2) Where there is an agreement with the applicant, a fee may be paid by direct debit to such bank account of the Land Registry as the registrar may from time to time direct.

(3) Where the amount of the fee payable on an application is immediately quantifiable, the fee shall be payable on delivery of the application.

(4) Where the amount of the fee payable on an application is not immediately quantifiable, the applicant shall pay the sum of £40 towards the fee when the application is made and shall lodge at the same time an undertaking to pay on demand the balance of the fee due, if any.

(5) Where an outline application is made, the fee payable shall be the fee payable under paragraph (9) of Part 1 of Schedule 3 in addition to the fee otherwise payable under this Order.

Credit accounts

14.—(1) Any person or firm may, if authorised by the registrar, use a credit account in accordance with this article for the payment of fees for applications and services of such kind as the registrar shall from time to time direct.

(2) To enable the registrar to consider whether or not a person or firm applying to use a credit account may be so authorised, that person or firm shall supply the registrar with 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.

(3) To enable 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 supply the registrar, when requested to do so, with 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.

(4) Where an account holder makes an application where credit facilities are available to him, he may make a request, in such manner as the registrar directs, 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.

(5) Where an account holder makes an application where credit facilities are available to him, and the application is accompanied neither by a fee nor a request for the fee to be debited to his account, the registrar may debit the fee to his account.

(6) A statement of account shall be sent by the registrar to each account holder at the end of each calendar month or such other interval as the registrar shall direct.

(7) The account holder must pay any sums due on his credit account before the date and in the manner specified by the registrar.

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

(9) In this article "credit limit" in relation to a credit account authorised for use under paragraph (1) 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 means of such communication as the registrar considers appropriate.

Revocation

15. The Land Registration Fee Order 2003(**a**) is revoked.

Signed by the authority of the Lord Chancellor

David Lammy
Parliamentary Under Secretary of State,
27th February 2004 Department for Constitutional Affairs

Jim Murphy
John Heppell
3rd February 2004 Two of the Lord Commissioners of Her Majesty's Treasury

(**a**) S.I. 2003/2092.

SCHEDULE 1

Articles 2 & 3

SCALE 1

NOTE 1: Where the amount or value is a figure which includes pence, it must be rounded down to the nearest £1.

NOTE 2: The third column, which sets out the reduced fee payable where article 2(6) (voluntary registration: reduced fees) applies, is not part of the scale.

Amount or value £	*Fee* £	*Reduced fee where article 2(6) (voluntary registration: reduced fees) applies* £
0–50,000	40	30
50,001–80,000	60	45
80,001–100,000	100	75
100,001–200,000	150	110
200,001–500,000	220	165
500,001–1,000,000	420	315
1,000,001 and over	700	525

SCHEDULE 2

Articles 4 & 5

SCALE 2

NOTE: Where the amount or value is a figure which includes pence, it must be rounded down to the nearest £1.

Amount or value £	*Fee* £
0–100,000	40
100,001–200,000	50
200,001–500,000	70
500,001–1,000,000	100
1,000,001 and over	200

SCHEDULE 3

Articles 9 & 13

PART 1

FIXED FEE APPLICATIONS

Fee

(1) To register:

(a) a standard form of restriction contained in Schedule 4 to the rules, or

(b) a notice (other than a notice to which section 117(2)(b) of the Act applies), or

(c) a new or additional beneficiary of a unilateral notice

— total fee for up to three registered titles affected..... £40

— additional fee for each subsequent registered title affected..... £20

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

(2) To register a restriction in a form not contained in Schedule 4 to the rules

— for each registered title £80

(3) To register a caution against first registration (other than a caution to which section 117(2)(a) of the Act applies) £40

(4) To alter a cautions register—for each individual cautions register £40

(5) To close or partly close a registered leasehold or a registered rentcharge title other than on surrender—for each registered title closed or partly closed £40

Provided that no such fee is payable if the application is accompanied by a scale fee application.

(6) To upgrade from one class of registered title to another £40

Provided that no such fee is payable if the application for upgrading is accompanied by a scale fee application.

(7) To cancel an entry in the register of notice of an unregistered rentcharge which has determined—for each registered title affected £40

Provided that no such fee is payable if the application is accompanied by a scale fee application.

(8) To enter or remove a record of a defect in title pursuant to section 64(1) of the Act ... £40

Provided that no such fee is payable if the application is accompanied by a scale fee application.

(9) An outline application made under rule 54:

(a) where delivered directly to the registrar's computer system by means of a remote terminal £2

(b) where delivered by any other permitted means £4

Such fee is payable in addition to any other fee which is payable in respect of the application.

(10) For an order in respect of a restriction under section 41(2) of the Act—for each registered title affected £40

(11) To register a person in adverse possession of a registered estate—for each registered title affected £100

(12) For registration as a person entitled to be notified of an application for adverse possession—for each registered title affected £40

(13) For the determination of the exact line of a boundary under rule 118—for each registered title affected £80

PART 2

SERVICES—INSPECTION AND COPYING

(1) Inspection of the following, including in each case the making of a copy, on any one occasion when a person gains access to the registrar's computer system by means of a remote terminal by virtue of rule 132:

(a) for each individual register £2

(b) for each title plan £2

(c) for any or all of the documents referred to in an individual register (other than the documents referred to in paragraph (7)) £2

(d) for each individual caution register £2

(e) for each caution plan £2

(f) for any other document kept by the registrar which relates to an application to him—for each document £2

(2) Inspection (otherwise than under paragraph (1)):

(a) for each individual register £4

(b) for each title plan £4

(c) for any or all of the documents referred to in an individual register (other than the documents referred to in paragraph (7)) £4

(d) for each individual caution register £4

(e) for each caution plan £4

(f) for any other document kept by the registrar to him which relates to an application to—for each document £4

(3) Official copy in respect of a registered title:

(a) for each individual register

(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 permitted means £4

(b) for each 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 permitted means £4

(4) Official copy in respect of the cautions register

(a) for each individual caution register

(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 permitted means £4

(b) for each caution 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 requested by any other permitted means £4

(5) Official copy of any or all of the documents referred to in an individual register (other than documents referred to in paragraph (7))—for each registered title

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

(b) where requested by any other permitted means £4

(6) Official copy of any other document kept by the registrar which relates to an application to him—for each document

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

(b) where an official copy in paper form is requested by any permitted means £4

(7) Where permitted (being unavailable as of right) inspection or official copy (or both) of a transitional period document—for each document £8

(8) Copy of an historical edition of a registered title (or of part of the edition where rule 144(4) applies)—for each title £8

(9) Subject to paragraph (14) of Schedule 4, application to the registrar to ascertain the title number or numbers (if any) under which the estate is registered where the applicant seeks to inspect or to be supplied with an official copy of an individual register or of a title plan and the applicant has not supplied a title number, or the title number supplied does not relate to any part of the land described by the applicant—for each title number in excess of ten disclosed £4

PART 3

SERVICES—SEARCHES

(1) An official search of an individual register or of a pending first registration application madeto the registrar by means of a remote terminal communicating with the registrar's computer system by virtue of rule 132—for each title £2

(2) An official search of an individual register by a mortgagee for the purpose of section 56(3)of the Family Law Act 1996(**a**) made to the registrar by means of a remote terminal communicating with the registrar's computer system by virtue of rule 132—for each title £2

(3) An official search of an individual register or of a pending first registration application other than as described in paragraphs (1) and (2)—for each title £4

(4) The issue of a certificate of inspection of a title plan—for each registered title affected £4

(5) Subject to paragraph (15) of Schedule 4, an official search of the index map—for each registered title in excess of ten in respect of which a result is given £4

(6) Search of the index of proprietors' names—for each name £10

(7) An official search of the index of relating franchises and manors—for each administrative area:

(a) where the application is made by means of a remote terminal communicating with the registrar's computer system by virtue of rule 132 ..... £2

(b) where the application is made by any other permitted means £4

(**a**) 1996 c. 27.

PART 4

SERVICES—OTHER INFORMATION

(1) Application to be supplied with the name and address of the registered proprietor of a registered title identified by its postal address—for each application	£4
(2) Application for return of a document under rule 204	£8
(3) Application that the registrar designate a document an exempt information document	£20
(4) Application for an official copy of an exempt information document under rule 137	£40

SCHEDULE 4

Article 10

EXEMPTIONS

No fee is payable for:

(1) reflecting a change in the name, address or description of a registered proprietor or other person referred to in the register, or in the cautions register, or changing the description of a property,

(2) giving effect in the register to a change of proprietor where the registered estate or the registered charge, as the case may be, has become vested without further assurance (other than on the death or bankruptcy of a proprietor) in some person by the operation of any statute (other than the Act), statutory instrument or scheme taking effect under any statute or statutory instrument,

(3) registering the surrender of a registered leasehold estate where the surrender is consideration or part consideration for the grant of a new lease to the registered proprietor of substantially the same premises as were comprised in the surrendered lease and where a scale fee is paid for the registration of the new lease,

(4) registering a discharge of a registered charge,

(5) registering a matrimonial home rights notice, or renewal of such a notice, or renewal of a matrimonial home rights caution under the Family Law Act 1996,

(6) entering in the register the death of a joint proprietor,

(7) cancelling the registration of a notice, (other than a notice in respect of an unregistered lease or unregistered rentcharge), caution against first registration, caution against dealings, including a withdrawal of a deposit or intended deposit, inhibition, restriction, or note,

(8) the removal of the designation of a document as an exempt information document,

(9) approving an estate layout plan or any draft document with or without a plan,

(10) an order by the registrar (other than an order under section 41(2) of the Act),

(11) deregistering a manor,

(12) an entry in the register of a note of the dissolution of a corporation,

(13) registering a restriction in form A in Schedule 4 to the rules,

(14) an application to ascertain the title number or numbers (if any) under which the estate is registered where the applicant seeks to inspect or to be supplied with an official copy of an individual register or of a title plan and the applicant has not supplied a title number, or the title number supplied does not relate to any part of the land described by the applicant, provided the number of registered titles supplied does not exceed ten,

(15) an official search of the index map where either no part of the land to which the search relates is registered, or, where the whole or part is registered, the number of registered titles disclosed does not exceed ten,

(16) an application for day list information on any one occasion when a person gains access to the registrar's computer system by means of a remote terminal communicating with the registrar's computer system by virtue of rule 132,

(17) an application to lodge a caution against first registration or to make a register entry where in either case the application relates to rights in respect of the repair of a church chancel.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces the Land Registration Fee Order 2003. It makes changes to land registration fees.

The main changes made by the Order are:

(1) Scale 1, which sets out the fees for applications for first registration of title to land and to transfers of, and certain leases out of, registered land for monetary consideration, is amended by the reduction of the fee for applications within the three highest bands, £200,001–£500,000, £500,001–£1,000,000 and £1,000,001 and over.

(2) Unlike previous orders, this Order contains no provision for the registrar to retain any overpayment in respect of the cost of its repayment.

(3) Also unlike previous orders, this Order does not include a provision enabling the registrar to waive a fee in whole or part, or any category of fee, which is contained in either article 4(1)(g) or Schedule 3. As a result, certain applications formerly treated under the waiver have been added to the category of exemptions (Schedule 4).

(4) In particular, because there is no waiver provision, the Order provides that an official search of the index map attracts no fee if the search result discloses no more than ten registered titles; but there is a fee of £4 for each additional title if the result discloses more than ten titles (Schedule 3 Part 3(5) and Schedule 4(15)).

(5) There is no longer a provision for the registrar to charge an additional fee, to cover the excess cost of the work involved, in respect of applications for a search of the index map, or for the determination of the exact line of a boundary.

(6) The separate categorisation for fee purposes of applications comprising land having an area or aggregate area exceeding 100 hectares which were known as "large area applications", has been discontinued; such applications will now fall to be assessed under Scale 1 or article 6.

(7) The Order also changes the basis of fee assessment for an application for which no other fee is payable under the Order, from one related to value and the work involved, to a fixed fee of £40 (article 12).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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