

2010 No. 11

LAND REGISTRATION

Land Registry (Fees) Order (Northern Ireland) 2010

Made - - - - 21st January 2010

Affirmed by resolution of the Assembly on 1st March 2010

Coming into operation - 1st June 2010

The Department of Finance and Personnel, in exercise of the powers conferred by sections section 84 of the Land Registration Act (Northern Ireland) 1970(a) (“the 1970 Act”) and now vested in it(b), section 26(1) of the Ground Rents Act (Northern Ireland) 2001(c) and of every other power enabling it in that behalf and after consultation with the Land Registry Rules Committee established by section 85 of the 1970 Act, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Land Registry (Fees) Order (Northern Ireland) 2010 and shall come into operation on 1st June 2010.

(2) Words and expressions used in this Order and defined in the Rules have the same meaning as in the Rules.

(3) In this Order—

“the 1970 Act” means the Land Registration Act (Northern Ireland) 1970;

“the 2001 Act” means the Ground Rents Act (Northern Ireland) 2001;

“certificate of redemption” has the meaning assigned to it by section 7(2) of the 2001 Act;

“charge” (except in Part III of Schedule 1) means a charge on land to secure money and includes a sub-charge but not a statutory charge;

“electronic communication” has the same meaning as in the Electronic Communications Act (Northern Ireland) 2001(d);

“electronic lodgement” means lodgement of an application for electronic communication via the LandWeb operating system;

“equity – sharing lease” means a lease of land, the general effect of which is to provide—

(a) That, in consideration of the granting of the lease, the lessee shall pay a capital sum, representing a part payment in respect of the cost of acquisition of the premises demised, and a rent; and

(a) 1970 c.18 (N.I.); section 84 amended by Article 34 of the Registration (Land and Deeds) (Northern Ireland) Order 1992 (S.I. 1992/811 (N.I. 7)), see sections 25 and 94 for the definition of “the Ministry”.

(b) By the Departments (Northern Ireland) Order 1982 S.I. 1982/338 (N.I. 6) Article 5 and Part II of Schedule I and the Departments (Transfer and Assignment of Functions) Order 1999, S.R. 1999 No. 481, Article 6 and Part II of Schedule. 4.

(c) 2001 c.5 (N.I.)

(d) 2001 c.9

- (b) That the lessee may make additional part payments towards the said cost of acquisition and may exercise an option to purchase the whole or part of the lessor's reversion in the premises demised;

“fees” means the fees to be taken in the Land Registry (the Registry) for the purposes of the 1970 Act and the 2001 Act;

“the Rules” means the Land Registration Rules (Northern Ireland) 1994(a) and a reference by number to a rules or Form is a reference to the rule or Form bearing that number in the Rules.

Revocation

2. The Land Registry (Fees) Order (Northern Ireland) 2007(b) is hereby revoked.

Fees

3. Subject to the following provisions of this Order, the fees set out in Schedule 1 shall be payable in respect of the matter there mentioned.

Value

4.—(1) For the purposes of this Order, the value of any estate in land, shall be determined in accordance with paragraphs (2) to (6).

(2) Subject to paragraphs (3) to (6) the value of an estate in land is its market value, that is to say, such sum as the estate would fetch if sold on the open market at the date on which the application with respect to which the value is required to be ascertained is made to the Registry, free from any mortgage or charge for payment of money other than a land purchase annuity. For the purposes of this paragraph, the Registrar may accept as the market value of an estate, the consideration expressed in a deed or an amount stated to be that value in a statement in writing signed by the applicant or his solicitor.

(3) Where an application is made to the Registry to register an exchange, the value of the estate in land to which the application relates shall be the combined value of the registered land exchanged, determined in accordance with paragraph (2).

(4) Where an application is made to the Registry to register a Lease which is not equity-sharing the value of the estate in land determined in accordance with paragraph (2) to which the application relates shall be the market value of the estate or 10 times the current annual rent whichever is greater.

(5) Where an application is made to the Registry to register a Lease which is equity-sharing the value of the estate in land determined in accordance with paragraph (2) to which the application relates shall be the market value of the equitable share or 10 times the current annual rent whichever is greater.

(6) Where an application relates solely to the estate of a person entitled as a tenant in common, joint tenant or coparcener, the value of the estate in land to which the application relates shall be the value of that person's estate; and where a registered owner transfers his estate to himself and another as co-owners, the value of the estate in land to which the application relates shall be the value of the estate passing to the other person.

Reduction of fees

5. Where an application or dealing, for which a fee in excess of £50.00 is prescribed by this Order, is refused, abandoned or withdrawn, there shall only be payable in respect of the application or dealing the sum of £50.00 or one quarter of the fee prescribed by this Order in respect of the application or dealing, whichever is the greater.

(a) S.R 1994 No. 424 as amended by S.R. 2000 No. 165, S.R. 2002 No. 229 and S.R. 2007 No.4.

(b) S.R 2007 No.6

Exemption from fees

6. No fee shall be payable in respect of any matter mentioned in Schedule 2.

Payment of fees

7.—(1) Fees shall be payable at the time when an application, dealing or other matter in relation to which a fee is to be taken, is presented to the Registry.

(2) Where in determining the fee payable in respect of any matter a calculation is involved, the amount payable shall be calculated to the nearest £0.05.

(3) Every fee shall be paid in cash or by means of a banker's draft, money order, postal order, cheque or electronic monetary transfer.

Application to the Crown

8. Subject to the provisions of the 1970 Act, this Order shall bind the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

Sealed with the Official Seal of the Department of Finance and Personnel on 21st January 2010



Patricia Montgomery
A senior officer of the
Department of Finance and Personnel

SCHEDULE 1

Article 3

PART I SCALE FEES

Scales

1. Subject to paragraphs 2 and 3, on any application to register a transfer, lease, or an exchange or a change of ownership under section 36 of the 1970 Act^(a) (excluding such an application as is referred to in paragraph 5(f)) the fee shall be payable according to the value of the estate in land to which the application relates and calculated by reference to the Scale below—

<i>Value</i>	<i>Fee</i>	<i>Fee (Electronic lodgement)</i>
£20,000 or less	£60	£40
£20,001 to £80,000	£120	£80
£80,001 to £100,000	£180	£120
£100,001 to £150,000	£220	£180
£150,001 to £200,000	£330	£270
£200,001 to £250,000	£385	£315
£250,001	£495	£405

2. The minimum fee (£60 or £40 in the case of electronic lodgement) shall be payable on any application to register trustees as owners or to register documents whereby registered co-owners transfer their estates in the land to themselves.

3. On an application to register documents effecting a transfer of the ownership of one or more charges the minimum fee (£60 or £40 in the case of electronic lodgement) shall be payable in respect of each charge.

PART II FIXED FEES

First registration

4. The fees set out in this paragraph shall be payable in respect of an application for the first registration of any title, under Part II of the Rules—

- | | | |
|---|-----|---|
| (a) where an application, other than an application mentioned in sub-paragraph (b), has been made in Form 1 with such modifications as the case may require | ... | £100.00
£70.00 (<i>Electronic lodgement</i>) |
| (b) where an application, other than an application mentioned in sub-paragraph (c), has been made in Form 1 to voluntarily register publicly | ... | £50.00 |

(a) Section 36 of the Land Registration Act (Northern Ireland) 1970, 1970 c.18 (N.I.) has been amended by Article 17 of the Registration (Land and Deeds) (Northern Ireland) Order 1992, (S.I. 1992/811 (N.I. 7)).

owned land		
(c) applications in Form 2 or 3	...	£200.00

Registration

5. The fees set out in this paragraph shall be payable in respect of the following applications—

(a) application under section 53 of the 1970 Act ^(a)	...	£200.00
(b) application for the merger or extinguishment of a leasehold estate (except where the leasehold estate was created by an equity-sharing lease	...	£160.00
	...	£140.00 (<i>Electronic lodgement</i>)
(c) application for merger or extinguishment of a leasehold estate created by an equity-sharing lease	...	£60.00
	...	£40.00 (<i>Electronic lodgement</i>)
(d) application to register a notice of lease as a burden (excluding a lease solely of an easement or profit-a prendre)	...	£60.00
(e) application to register a Charge or an Order charging land under Article 46 of the Judgements Enforcement (Northern Ireland) Order 1981 ^(b) or a notice of Order charging land under Article 48 of the Judgments Enforcement (Northern Ireland) Order 1981 ^(c) or paragraph 4 of Part IV of Schedule 2 to the 1970 Act ^(d)	...	£80.00
	...	£60.00 (<i>Electronic lodgement</i>)
(f) application to register the ownership of registered land acquired by vesting order by a government department or by other body having powers of compulsory acquisition – per folio affected by the vesting order	...	£50.00
(g) application for the rectification of an entry on a folio, except where the rectification is made in consequence of an error made in the Registry—		
(i) where an order of the Registrar is not necessary;	...	£50.00
(ii) where an order of the Registrar is necessary	...	£100.00
(h) application for the rectification of an entry on the registry map, except where the rectification is made in consequence of an error made in the	...	£60.00

(a) Section 53 of the Land Registration Act (Northern Ireland) 1970, 1970 c.18 (N.I.) has been amended by Article 76(2) of, and paragraph 4 of Schedule 3 to the Limitation (Northern Ireland) Order 1989. (S.I. 1989/1339 (N.I. 11)).

(b) S.I. 1981/226 (N.I. 6)

(c) S.I. 1981/226 (N.I. 6); Article 48 was amended by Article 51 of, and paragraph 6(1) of Schedule 1 to, the Registration (Lands and Deeds) (Northern Ireland) Order 1992, (S.I. 1992/811 (N.I. 7)).

(d) Part IV of Schedule 2 was inserted into the Land Registration Act (Northern Ireland) 1970, 1970 c.18 (N.I.) by Article 10(2) of the Registration (Land and Deeds) (Northern Ireland) Order 1992, (S.I. 1992/811 (N.I. 7)).

Registry—		
(i) where an order of the Registrar is not necessary;	...	£40.00 (<i>Electronic lodgement</i>)
(ii) where an order of the Registrar is necessary	...	£100.00
(i) application to register a transmission on the death of a registered full owner who is not a joint tenant or on the death of a registered limited owner	...	£100.00
	...	£75.00 (<i>Electronic lodgement</i>)
(j) application to register a notice of deposit of a Land Certificate	...	£50.00
	...	£25.00 (<i>Electronic lodgement</i>)
(k) application to make any entry or cancellation on the register for which a fee is not otherwise prescribed by this Order	...	£60.00
	...	£40.00 (<i>Electronic lodgement</i>)
(l) application to have any matter heard by the Registrar	...	£150.00

Land certificates and certificates of charge

6. The fees set out in this paragraph shall be payable in respect of the following applications—

(a) application for the first issue of a land certificate or certificate of charge except in the case of—		
(i) an endorsed instrument of charge issued in accordance with rule 122, or		
(ii) a new land certificate or certificate of charge issued in substitution for an existing certificate or a certificate lost or destroyed	...	£10.00
(b) application for the issue of a new land certificate or certificate of charge in substitution for an existing certificate except where such a new certificate is issued on revision of a folio in accordance with rule 5(3) or on making a new edition of the folio pursuant to rule 9	...	£10.00
(c) application for an order for production of a land certificate	...	£35.00
	...	£25.00 (<i>Electronic lodgement</i>)
or, application for an order for production of certificate of charge	...	£25.00
(d) application to dispense with production of a land certificate	...	£25.00

(e) application to dispense with production of a certificate of charge	...	£30.00
	...	£20.00 (<i>Electronic lodgement</i>)
(f) application for the issue of a new land certificate in substitution for a certificate lost or destroyed	...	£60.00
	...	£40.00 (<i>Electronic lodgement</i>)
(g) application for the issue of a certificate of charge in substitution for a certificate lost or destroyed	...	£50.00

Inspection, copies and searches

7. The fees set out in this paragraph shall be payable in respect of the following matters—

(a) Requisition entitling the holder to inspect one only of the following—		
(i) the index of names in respect of one name		
(ii) one folio, or a single entry on a schedule folio		
(iii) one instrument filed in connection with any entry or cancellation on the register		
(iv) the registry map relating to one folio, or single entry on a schedule folio,		
(v) the registry map relating to one address		
(vi) the registry map relating to one map reference		
(vii) swap to Statutory Charge Registry map view	...	£3.50
(b) obtaining uncertified copy of a folio other than a map or plan, or any other document, lodged in the Registry	...	£5.50
(c) obtaining certified copy of a folio other than a map or plan, or any other document, lodged in the Registry	...	£15.50
(d) obtaining uncertified copy of any other document other than a folio or a map or plan, lodged in the Registry	...	£5.50
(e) obtaining certified copy of any other document other than a folio or a map or plan, lodged in the Registry	...	£15.50
(f) obtaining uncertified copy of the registry map relating to one folio (excluding a Schedule Folio) or one entry number in a Schedule Folio	...	£5.50
(g) obtaining certified copy of the registry map relating to one folio (excluding a Schedule Folio) or one entry number in a Schedule Folio—	...	£60.00

(i) where the certified copy of the registry map does not show any appurtenant rights	...	£15.50
(ii) where the certified copy of the registry map shows appurtenant rights	...	£50.00
(h) obtaining official search in accordance with rule 185 in the index of names, including certificate of the result of such search – per name	...	£20.00
(i) obtaining official search in accordance with rule 185 as to entries in a specified folio, including certificate of the result of such search	...	£20.00
(j) obtaining official search in the registry map in accordance with rule 186 including certificate of the result of such search	...	£20.00
(k) obtaining priority search in accordance with rule 187 including certificate of the result of such search	...	£25.00
(l) obtaining search applied for by telephone or fax in accordance with rule 189	...	£15.00

Miscellaneous fees

8. The fees set out in this paragraph shall be payable in respect of the following matters—

(a) issue of a summons by the Registrar	...	£25.00
(b) application for delivery of a document to a solicitor in accordance with rule 181	...	£10.00
(c) application for approval of a draft document (including any map or plan annexed thereto)	...	£50.00
(d) application, in accordance with rule 146, to decide questions as to boundaries or extent of registered lands arising on transfer and including any entry or cancellation made on the register on any such application	...	£50.00
(e) application for an order for substituted service under rule 197(2)	...	£25.00

PART III

STATUTORY CHARGES REGISTER

9. In relation to the Statutory Charges Register, the fees set out in this paragraph shall be payable in respect of the following matters—

(a) application to register a statutory charge	...	£25.00
(b) application to register a priority notice	...	£20.00
(c) application to cancel or modify any entry in the Statutory Charges Register	...	£20.00
(d) official search including certificate of the result of the search	...	£20.00
(e) personal search, entitling the requisition holder to inspect one only of the following—	...	£3.50

(i) one entry from the Statutory Charges Register, [excluding the statutory charges map]		
(ii) one application filed in connection with any entry or cancellation on the register		
(iii) the registry map relating to one entry		
(iv) the registry map relating to one address		
(v) the registry map relating to one map reference		
(vi) swap to Land Registry map view		
(f) search applied for by telephone or fax in accordance with rule 216	...	£15.50
(g) uncertified copy of one entry from the Charges Register [excluding the statutory charges map]	...	£5.50
(h) certified copy of one entry from the Statutory Charges Register [excluding the statutory charges map]	...	£15.50
(i) uncertified copy of the statutory charges map relating to one statutory charge	...	£5.50
(j) certified copy of the statutory charges map relating to one statutory charges	...	£15.50
(k) uncertified copy of an application filed in connection with any entry or cancellation on the register	...	£5.50
(l) certified copy of an application filed in connection with any entry or cancellation on the register	...	£15.50

PART IV

REDEMPTION OF GROUND RENTS

10. The fees set out in this paragraph shall be payable in respect of the following matters—

(a) application to redeem a ground rent under section 4(1) of the 2001 Act including application for a certificate under section 6 of the 2001 Act that a person is entitled to payment of money lodged under section 4(2) of that Act	...	£50.00
(b) reference to the Registrar under section 23 of the 2001 Act	...	£25.00
(c) personal search entitling a person to search against one address in the register kept under section 5(2) of the 2001 Act and any index thereto	...	£2.00
(d) official search in the register kept under section 5(2) of the 2001 Act including certificate of the result of the search	...	£15.00

MATTERS WHICH ARE EXEMPT FROM FEES BY VIRTUE OF ARTICLE 6

1. Registration as a burden under Schedule 6 to the 1970 Act, at the time of first registration of the title, of a charge for payment of money which arose before first registration other than a charge for payment of money affecting a leasehold estate where the ownership of the leasehold estate will be registered in accordance with rule 82(2) or 83.
2. Registration on a folio of the ownership of a burden where such registration is made at the time of its registration as a burden.
3. Registration of a burden created or granted in a document of transfer or lease where such burden is registered at the time of registration of the transfer or lease.
4. Registration of an appurtenance where the easement is created or granted in a document of transfer or lease and such registration is made at the time of registration of the transfer or lease.
5. Registration of a burden created by the will of a registered owner or in a deed of settlement or or a charge under section 7 of the Administration of Estates Act (Northern Ireland) 1955(a) where such burden is registered at the time of registration of a change in ownership of the land which is subject of the burden.
6. Registration of a charge created by an order charging land made under Article 46 of the Judgments Enforcement (Northern Ireland) Order 1981(b) where notice of that Order has been entered on the title register under Article 48 of that Order or paragraph 4 or Part IV of Schedule 2 to the 1970 Act(c) or cancellation of such notice upon registration of such a charge.
7. Entry of notice of the existence of a burden specified in entry 5 of Part I of Schedule 5 to the 1970 Act, or cancellation of any burden specified in entry 3, 4 or 5 of Part I of that Schedule.
8. Reclassification of a title on the initiative of the Registrar under paragraph 3 of Schedule 3 to the Act.
9. Rectification of the register or the Statutory Charges Register where the rectification is made in consequence of an error made in the Registry.
10. Entry of an inhibition by the Registrar under section 68(d) of the 1970 Act.
11. Alteration by the Registrar of the description of land registered in a folio.
12. Approval of an estate development or building plan intended for use in a series of dealings.
13. Registration of an existing charge or other burden on a superior estate consequent on the extinguishment of an inferior estate.
14. Entry of notice of the deposit of a certificate of title to secure the payment of money where that notice has been lodged in the Registry under rules 129(5) and 137(1) in response to an order made by the Registrar for the production of certificate of title.

(a) 1955 c.24 (N.I.).

(b) S.I. 1981/226 (N.I. 6); Article 46 was amended by Article 10(3) of the Registration (Lands and Deeds) (Northern Ireland) Order 1992, (S.I. 1992/811 (N.I. 7)) and Article 48 was amended by Article 51 of, and paragraph 6(1) of Schedule 1 to, that Order.

(c) Part IV of Schedule 2 was inserted into the Land Registration Act (Northern Ireland) 1970, 1970 c.18 (N.I.), by Article 10(2) of the Registration (Land and Deeds) (Northern Ireland) Order 1992, (S.I. 1992/811 (N.I. 7)).

(d) Section 68 was amended by Article 51 of, and paragraphs 1, 2(1), (3) and 4(5) of Schedule 1 to, the Registration (Land and Deeds) (Northern Ireland) Order 1992, (S.I. 1992/811 (N.I. 7)).

15. Registration of the devolution of the title of any person entitled to be registered as owner but not so registered, where application has been made for the registration of ownership on transmission on the death of a full owner or on cessation of a limited ownership. (eg Presentation of two Assents, one in the estate of deceased registered owner not previously presented for registration accompanied by Assent in estate of person who should have been registered attracts only one registration fee, the first dealing being exempt from fees)

16. The cancellation of a caution, inhibition, notice of pending action or any charge.

17. The renewal or cancellation of an entry of notice of the presenting of a bankruptcy petition referred to in section 67A(1)(a) of the 1970 Act.

18. Amendment of the title register pursuant to rule 164.

19. The release from a charge of part only of the land charged.

20. Application for the issue of an endorsed instrument of charge in accordance with rule 122.

21. Registration of bankruptcy petition or bankruptcy inhibition.

22. Alteration of the address of description of a person appearing in a folio or alteration of such person's name consequent on marriage, where the application for such alteration is made at the same time as an application for the registration of a transfer or charge relating to the land in that folio.

23. Cancellation of the registration of a lease as a burden consequent upon the extinguishment of the lease by virtue of the sealing of a certificate of redemption, where the application for such cancellation is made at the same time as an application for the registration of the certificate of redemption.

(a) Section 67A was inserted into the Land Registration Act (Northern Ireland) 1970, 1970 c.18 (N.I.), by Article 381(2) of, and paragraph 72 of Part II of Schedule 9 to, the Insolvency (Northern Ireland) Order 1989, (S.I. 1989/2405 (N.I. 19)0 and was amended by Article 51 of, and paragraphs 2(1) and 4(4) of Schedule 1 to, the Registration (Land and Deeds) (Northern Ireland) Order 1992, (S.I. 1992/811 (N.I. 7)).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the fees to be taken in the Land Registry for the purposes of the Land Registration Act (Northern Ireland) 1970 (“the 1970 Act”) and the manner in which those fees are to be paid.

The Order revokes and replaces the Land Registry (Fees) Order (Northern Ireland) 2007. The principal changes are as follows:

- (a) leases now attract ad valorem scale fees;
- (b) registration fees are increased where the application is submitted solely on paper. Reduced fees up to 20% can be obtained where the application is submitted electronically;
- (c) the standard search fee of £3.00 is increase to £3.50;
- (d) copy map and document charges are increased by £0.50; and
- (e) a fee of £150 will be charged for any application which requests the Registrar rule on any matter.

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