STATUTORY RULES OF NORTHERN IRELAND

2003 No. 506

LAND REGISTRATION

Land Registry (Fees) Order (Northern Ireland) 2003

Made - - - - 3rd December 2003
To be laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000

Coming into operation 1st February 2004

The Department of Finance and Personnel, in exercise of the powers conferred by section 84 of the Land Registration Act (Northern Ireland) 1970(**1**) ("the 1970 Act") and now vested in it(**2**), section 26(1) of the Ground Rents Act (Northern Ireland) 2001(**3**) 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) 2003 and shall come into operation on 1st February 2004.

(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;

"certificate of redemption" has the meaning assigned to it by section 7(2) of the Ground Rents 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;

"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

(**1**) 1970 c. 18 (N.I.); section 84 was amended by Art. 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"
(**2**) By the Departments (Northern Ireland) Order 1982 S.I. 1982/338 (N.I. 6) Art. 5 and Part II of Sch. I and the Departments (Transfer and Assignment of Functions) Order 1999, S.R. 1999 No. 481, Art. 6 and Part II of Sch. 4
(**3**) 2001 c. 5 (N.I.)

(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 Registry for the purposes of the 1970 Act and the Ground Rents Act;

"the Rules" means the Land Registration Rules (Northern Ireland) 1994(**4**) and a reference by number to a rule 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) 2000(**5**) 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 matters 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 (4).

(2) Subject to paragraphs (3) and (4), 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 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.

Instruments relating to several folios

5.—(1) Where an application is made to register an instrument relating to several folios in some or one only of those folios, the fee shall be that which would be payable if the application were to register the instrument in all the folios to which it relates.

(2) Where an instrument relating to several folios has been registered in some or one only of those folios, a fee of £20 shall be payable in respect of any application to register the instrument in any of the other folios to which it relates.

(**4**) S.R. 1994 No. 424 as amended by S.R. 2000 No. 165 and S.R. 2002 No. 229
(**5**) S.R. 2000 No. 167

Instruments relating to several folios

6. 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.

Exemption from fees

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

Payment of fees

8.—(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 5 pence.

(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

9. 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 3rd December 2003.

Richard Pengelly
A senior officer of the
Department of Finance and Personnel

SCHEDULE 1 Article 3

PART 1

SCALE FEES

Scales

1. Subject to paragraphs 2 and 3, on any application to register a transfer, or an exchange or a change of ownership under section 36 of the 1970 Act(**6**) (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 –

SCALE

Value	*Fee*
£20,000 or less	£50
£20,001 to £30,000	£100
£30,001 to £40,000	£150
£40,001 to £60,000	£200
£60,001 to £80,000	£250
£80,001 to £150,000	£300
£150,001 to £200,000	£350
£200,001 to £250,000	£400
£250,001 or more	£500

2. The minimum fee (£50) shall be payable on an application to register documents effecting a change of trustees and 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 (£50) 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)	(a) where an application, other . . .	£70·00

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

	than an application mentioned in sub-paragraph (c), has been made in Form 1 with such modifications as the case may require		
(b)	(b) where an application is not made in Form 1 (other than an application mentioned in sub-paragraph (c))	. . .	£150·00
(c)	(c) where an application discloses a title which has been acquired by adverse possession	. . .	£200·00

Registration

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

(a)	(a) application under section 53 of the 1970 Act(**7**)	. . .	£200·00
(b)	(b) application for the merger or extinguishment of a leasehold estate (except where the leasehold estate was created by an equity-sharing lease)	. . .	£150·00
(c)	(c) application for merger or extinguishment of a leasehold estate created by an equity sharing lease	. . .	£50·00
(d)	(d) application to register a lease as a burden or a notice of lease as a burden (excluding a lease	. . .	£50·00

(**7**) Section 53 of the Land Registration Act (Northern Ireland) 1970, 1970 c. 18 (N.I.) has been amended by Art. 76(2) of, and para. 4 of Sch. 3 to the Limitation (Northern Ireland) Order 1989, (S.I. 1989/1339 (N.I. 11))