STATUTORY RULES OF NORTHERN IRELAND

1996 No. 157

LAND REGISTRATION

Land Registry (Fees) Order (Northern Ireland) 1996

Made - - - - 4th April 1996
To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

Coming into operation 31st May 1996

The Department of the Environment, in exercise of the powers conferred by section 84 of the Land Registration Act (Northern Ireland) 1970(**1**) and now vested in it(**2**) and of every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel(**3**) and after consultation with the Land Registry Rules Committee established by section 85 of that 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) 1996 and shall come into operation on 31st May 1996.

(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 Act" means the Land Registration Act (Northern Ireland) 1970;

"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;

"fees" means the fees to be taken in the Registry for the purposes of the 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) 1988(**5**) is hereby revoked.

(**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. 1
(**3**) Approval function conferred by S.I. 1982/338 (N.I. 6) Art. 9 and Sch. 2
(**4**) S.R. 1994 No. 424
(**5**) S.R. 1988 No. 410

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, charge or notice shall be determined in accordance with paragraphs (2) to (6) and Articles 5 and 6.

(2) Subject to paragraphs (5) and (6), the value of an estate in land (other than a charge) 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, an amount stated to be that value in a statement in writing, signed by the applicant or his solicitor.

(3) Subject to Articles 5 and 6 where an application is made to the Registry to register a charge or to register a transfer, transmission or cancellation of a charge, the value of the charge shall be—

(a) where the charge is to secure a sum of money which is expressed as a fixed amount and whether or not the charge also secures further advances, that amount;

(b) where the charge is exclusively to secure an unascertained sum of money and the total amount to be owing at any one time is subject to an upper limit, that limit;

(c) where the charge is exclusively to secure an unascertained sum of money and the total amount to be owing at any one time is not subject to an upper limit, £25,000;

(d) where the charge is to secure an annuity, 10 times the greatest amount payable under the annuity in any one year.

(4) Where an application is made to the Registry—

(a) to register, pursuant to Article 48 of the Judgments Enforcement (Northern Ireland) Order 1981(**6**) or paragraph 4 of Part IV of Schedule 2 to the Act(**7**), notice of an order charging land made under Article 46 of that Order; or

(b) to cancel such a notice,

the value of the notice shall be the same as in the case of an application to register a charge pursuant to such an order.

(5) 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).

(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.

Charge secured on registered and unregistered land

5.—(1) Where money is secured by a charge relating partly to registered land and partly to unregistered land or other property, the fee in respect of an application to register the charge, or

(**6**) S.I. 1981/226 (N.I. 6): Art. 48 was amended by Art. 51 of and para. 6(1) of Sch. 1 to the Registration (Land and Deeds) (Northern Ireland) Order 1992, S.I. 1992/811 (N.I. 7) and Art. 46 was amended by Art. 10(3) of that Order

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

to register the transfer or transmission of the charge shall be payable on an amount calculated in accordance with the formula—

$$\frac{RL}{WS} \times C$$

a RL equals the value of registered land;
b WS equals the value of whole security; and
c C equals the value of the charge determined in accordance with Article 4(3).

(2) For the purposes of this regulation, the Registrar may accept as the value of registered land and the value of whole security, amounts stated to be those values in a statement in writing signed by the applicant for registration or his solicitor.

Additional or substituted security or guarantee

6. Where a charge is—

(a) by way of additional or substituted security, or

(b) by way of guarantee,

the amount on which a fee in respect of an application to register the charge, or to register a transfer or transmission of the charge shall be payable shall not exceed the value of the land to which the charge relates after deducting therefrom the amount secured on it by any prior registered charge.

Instruments relating to several folios

7.—(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.

Reduction of fees

8. Where an application or dealing for which a fee in excess of £25 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 £25 or one quarter of the fee prescribed by this Order in respect of the application or dealing, whichever is the greater.

Exemption from fees

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

Payment of fees

10.—(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 or cheque.

Application to the Crown

11. Subject to the provisions of the 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 the Environment on

4th April 1996. *J. MacQuarrie*
Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing Order.
Sealed with the Official Seal of the Department of Finance and Personnel on

4th April 1996. *D. Thomson*
Assistant Secretary

SCHEDULE 1 Article 3

Part I

Scale Fees

Scales

1. Subject to paragraph 4, on any application to register a transfer, or an exchange or a change of ownership under section 36 of the Act(**8**) (excluding such an application as is referred to in paragraph 7(k)) or under section 53 of the Act(**9**) 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*
Where the value does not exceed £5,000	... .	£25 (minimum fee)
Where the value exceeds £5,000	... .	£25 for the first £5,000 and £25 for every £5,000 or part thereof exceeding £5,000 with a maximum fee of £350

2. On any application to register a charge or a notice under Article 48 of the Judgments Enforcement (Northern Ireland) Order 1981 or paragraph 4 of Part IV of Schedule 2 to the Act, the fee shall be payable according to the value of the charge or notice and calculated by reference to the Scale below—

Scale

	Value	*Fee*
Where the value does not exceed £5,000	... .	£25 (minimum fee)
Where the value exceeds £5,000	... .	£12·50 for the first £5,000 and £12·50 for every £5,000 or part thereof exceeding £5,000 with a maximum fee of £175

3. On any application to make any entry or cancellation on the register where such entry or cancellation involves the investigation of title to an estate in unregistered land and for which a fee is not otherwise prescribed by this Order, the fee shall be payable according to the value of the estate in the unregistered land and calculated by reference to the Scale set out in paragraph 1.

4. The minimum fee (£25) 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.

(**8**) 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)

(**9**) 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)