

**2003 No. 506**

**LAND REGISTRATION**

**Land Registry (Fees) Order (Northern Ireland) 2003**

*Made - - - - - 3rd December 2003*

*Coming into operation 1st February 2004*

*To be laid before Parliament under paragraph 7(3) of  
the Schedule to the Northern Ireland Act 2000*

The Department of Finance and Personnel, in exercise of the powers conferred by 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) 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
- (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;

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(a) 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”  
(b) 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  
(c) 2001 c. 5 (N.I.)

“the Rules” means the Land Registration Rules (Northern Ireland) 1994(a) 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(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 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.

### **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.

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(a) S.R. 1994 No. 424 as amended by S.R. 2000 No. 165 and S.R. 2002 No. 229  
(b) S.R. 2000 No. 167

**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.

(L.S.)

*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<sup>(a)</sup> (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	
<i>Value</i>	<i>Fee</i>
£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) where an application, other than an application mentioned in sub-paragraph (c), has been made in Form 1 with such modifications as the case may require | ... | £70.00  |
| (b) where an application is not made in Form 1 (other than an application mentioned in sub-paragraph (c))   | ... | £150.00 |
| (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) application under section 53 of the 1970 Act <sup>(b)</sup> | ... | £200.00 |
|---|-----|---------|

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(a) 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))

(b) 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))

(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) application for merger or extinguishment of a leasehold estate created by an equity sharing lease	...	£50-00
(d) application to register a lease as a burden or a notice of lease as a burden (excluding a lease solely of an easement or profit-a-prendre)	...	£50-00
(e) application to register an Order charging land under Article 46 of the Judgments Enforcement (Northern Ireland) Order 1981(a) or a notice of Order charging land under Article 48 of the Judgments Enforcement (Northern Ireland) Order 1981(b) or paragraph 4 of Part IV of Schedule 2 to the 1970 Act(c)	...	£50-00
(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 or on the registry map, 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 to register a note of the death of a registered full owner who is not a joint tenant	...	£50-00
(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	...	£75-00
(j) application by a joint tenant to cancel the registration of a deceased co-owner	...	£50-00
(k) application to register an inhibition	...	£50-00
(l) application to register an easement, profit-a-prendre, notice of Schedule 5 burden or an appurtenance	...	£50-00
(m) application to have the title to part or all of the land in a folio or folios entered in a new folio – per folio from which the land is to be transferred	...	£25-00
(n) application to make any entry or cancellation on the register for which a fee is not otherwise prescribed by this Order	...	£70-00

#### 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

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

(b) 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))

(c) 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))

(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 or certificate of charge	...	£25-00
(d) application to dispense with production of a land certificate or certificate of charge	...	£25-00
(e) application for the issue of a new land certificate or 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 a single entry on a schedule folio, and		
(v) the record maintained under rule 134 of outstanding certificates of title	...	£3-00
(b) obtaining uncertified copy of a folio or any other document, other than a map or plan, lodged in the Registry	...	£5-00
(c) obtaining certified copy of a folio or any other document, other than a map or plan, lodged in the Registry	...	£15-00
(d) obtaining uncertified copy of the registry map relating to one folio (excluding a Schedule Folio) or one entry number in a Schedule Folio	...	£5-00
(e) obtaining certified copy of the registry map relating to one folio (excluding a Schedule Folio) or one entry number in a Schedule Folio –		
(i) where the certified copy of the registry map does not show any appurtenant rights	...	£15-00
(ii) where the certified copy of the registry map shows appurtenant rights	...	£50-00
(f) 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
(g) 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
(h) obtaining official search in the registry map in accordance with rule 186 including certificate of the result of such search	...	£20-00
(i) obtaining priority search in accordance with rule 187 including certificate of the result of such search	...	£25-00
(j) 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)	...	£25.00
(d) application for approval of a map or plan	...	£20.00
(f) 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
(g) 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	...	£40.00
(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 person to search, in one day only, in –		
(i) the indices to the Statutory Charges Register and any one part of that Register, and		
(ii) the indices to the statutory charges map and the maps relating to one part of the Statutory Charges Register	...	£3.00
(f) search applied for by telephone or fax in accordance with rule 216	...	£15.00
(h) uncertified copy of or extract from the Statutory Charges Register (excluding the statutory charges map) –		
(i) where the copy does not exceed five pages	...	£5.00
(ii) for each additional page or part thereof after the fifth	...	£1.00
(i) certified copy of or extract from the Statutory Charges Register (excluding the statutory charges map)	...	£15.00
(j) uncertified copy of or extract from the statutory charges map relating to one statutory charge	...	£5.00
(k) certified copy of or extract from the statutory charges map relating to one statutory charge	...	£15.00

### 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 Ground Rents Act	...	£50.00
(b) application for a certificate under section 6 of the Ground Rents Act that a person is entitled to payment of money lodged under section 4(2) of that Act	...	£25.00
(c) reference to the Registrar under section 23 of the Ground Rents Act	...	£25.00

(d) personal search entitling a person to search against one address in the register kept under section 5(2) of the Ground Rents Act and any index thereto	...	£2.00
(e) official search in the register kept under section 5(2) of the Ground Rents Act including certificate of the result of the search	...	£15.00

## SCHEDULE 2

Article 7

### MATTERS WHICH ARE EXEMPT FROM FEES BY VIRTUE OF ARTICLE 7

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 or 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 of 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 the 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 of 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.

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

(b) S.I. 1981/226 (N.I. 6); Art. 46 was amended by Art. 10(3) of the Registration (Lands and Deeds) (Northern Ireland) Order 1992, (S.I. 1992/811 (N.I. 7)) and Art. 48 was amended by Art. 51 of, and para. 6(1) of Sch. 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 Art. 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 Art. 51 of, and paras. 1, 2(1), (3) and 4(5) of Sch. 1 to, the Registration (Land and Deeds) (Northern Ireland) Order 1992, (S.I. 1992/811 (N.I. 7))



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 the certificate of title.

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.

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 where the release is made by deed and is lodged for registration at the same time as a transfer of the part of the land which is being released.

20. The release from a charge of all the land charged.

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

22. Alteration of the address or 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.

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(a) Section 67A was inserted into the Land Registration Act (Northern Ireland) 1970, 1970 c. 18 (N.I.), by Art. 381(2) of, and para. 72 of Part II of Sch. 9 to, the Insolvency (Northern Ireland) Order 1989, (S.I. 1989/2405 (N.I. 19)) and was amended by Art. 51 of, and paras. 2(1) and 4(4) of Sch. 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) 2000. The principal changes are as follows:

- (a) the ad valorem scale of fees for transfers and exchanges has been restructured amounting to an increase in fee income of some 7% (paragraph 1 of Schedule 1);
- (b) the fees payable in respect of applications for first registration of title have been increased; where the application discloses a title acquired by adverse possession the fee has been increased from £150 to £200; the fee in respect of other Form 1 applications has been increased from £50 to £70; the fee in respect of applications not made in Form 1 and which do not disclose a title acquired by adverse possession remains unchanged at £150 (paragraph 4 of Schedule 1);
- (c) the fee in respect of an application under section 53 of the 1970 Act (acquisition of title by possession) has been increased from £150 to £200 (paragraph 5(a) of Schedule 1);
- (d) a new fee of £100 has been introduced in respect of an application for rectification of the register where an order of the Registrar of Titles is necessary (paragraph 5(g)(ii) of Schedule 1);
- (e) the fee in respect of an application to register a transmission on the death of a registered full owner or of a registered limited owner has been increased from £50 to £75 (paragraph 5(i) of Schedule 1);
- (f) the present two tier fee in respect of an application to make any entry on the register for which a specific fee is not prescribed has been replaced with a new single fee of £75 in respect of such an application (paragraph 5(n) of Schedule 1);
- (g) the personal search fee has been restructured and increased from £2 to £3 (paragraph 7(a) of Schedule 1);
- (h) a new fee of £50 has been introduced for a certified copy of the registry map with appurtenant rights shown thereon (paragraph 7(e)(ii) of Schedule 1);
- (i) the fees for official searches have been increased from £15 to £20, the fee for a priority search has been increased from £20 to £25 and the fees for searches applied for by telephone and fax have been increased from £10 to £15 (paragraphs 7(f) to (j) and 9(d) and (f) of Schedule 1);
- (j) a new fee of £25 has been introduced in respect of an application for an order for substituted service under rule 197(2) of the Land Registration Rules (Northern Ireland) 1994 (paragraph 8(g) of Schedule 1);
- (k) the fee for a personal search in the Statutory Charges Register has been increased from £2 to £3 (paragraph 9(e) of Schedule 1);
- (l) provision has been made for the payment of fees in respect of matters arising under the Ground Rents Act (Northern Ireland) 2001 (paragraph 10 of Schedule 1); and
- (m) the reduction of a fee where an application or dealing is refused, abandoned or withdrawn will apply only to a fee in excess of £50 instead of a fee in excess of £25 (Article 6).
- (n) release from a charge of all the land charged is now exempt from fees.

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£2.50

Published by The Stationery Office Limited

Printed in the UK by The  
Stationery Office Limited  
under the authority and  
superintendence of Carol  
Tullo, Controller of  
Her Majesty's Stationery  
Office being the Government  
Printer for Northern Ireland and  
the Officer appointed to print the  
Acts of the Northern Ireland Assembly  
Dd. N1256. C3. 12/03. Gp. 130. 14567.

ISBN 0-337-95312-0

