
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Fees in the Registers of Scotland Order 1995 (“the 1995 Order”) to provide for new fees for services provided by the Keeper of the Registers of Scotland.

New fee scales are created for registration of interests in the Land Register of Scotland and for recording of deeds in the General Register of Sasines. The 51 bandings contained in the old scale have been reduced to a 12 band structure. The banding proposals will reduce the fees for house transactions in the £30,000 to £2,000,000 price range; there is a small increase in the minimum fee from £22 to £30. There are new fees introduced for land registration applications using the Automated Registration of Title to Land System (“ARTL System”). Fees for most ARTL transactions will around be 25% less than for paper applications.

Fees for registration or recording of heritable securities are a standard fee of £30 (£20 where registered using ARTL) and no longer tied to an ad valorem scale. A standard £30 fee replaces fixed fees (previously £22 generally).

Article 3 amends article 2 of the 1995 Order (interpretation) providing updated interpretation provisions, including by reference to interpretation in the Land Registration (Scotland) Rules 2006 (“the 2006 Rules”). Article 4 adds further interpretation provision.

Article 5 amends Part I of the Schedule to the 1995 Order. Section 1 (registration fees) is replaced by paragraph (a) replacing provisions in relation to registration of interests in land other than heritable securities. Subject to three exceptions set out in paragraphs (8), (9) and (10), fees will be at the rates shown in new Table A in Part IV, or where the application is made using the ARTL System, Table B. Where a number of title sheets are affected then in addition to the fee to be paid shown in Table A there will be an additional fee of £30 for each other title sheet affected (Part 1 1A(8)). Where the application is to give effect to a survivorship destination or is by certain statutory bodies seeking to complete title the fee is £30 (Part 1 1A(9) and (10)). Fees for registration of heritable securities are now £30 for each title sheet affected (or £20 where registered using the ARTL System) and no longer calculated by reference to an ad valorem scale.

Article 5(b) substitutes for “Certificate Plan” reference to “title plan” which term is used in the interpretation provision.

Article 5(c) replaces section 3 (miscellaneous). The fee for registration of an overriding interest in Form 5 is increased from £22 to £30. Paragraphs (b) and (g), being fees in relation to a Form 8 application and for a substitute certificate of title, are deleted, as a result of deletion of Form 8 in the 2006 Rules and the Keeper no longer issuing substitute certificates. The fee for an application in Form 9 to rectify the register is increased from £25 to £30. The fee for checking boundaries of adjoining properties remains at £20. The fee for withdrawal of an application, being £22 or £44 dependent upon when withdrawal takes place, is replaced by a single fee of £30. The fee for provision of information from a deed or document remains £14.20 for each such deed or document. The Fee for an application to register a Tree Preservation Order or a Compulsory Purchase Order is moved from section 1 to this section and is increased from the fixed fee of £22 to a standard fee of £30.

The fee for rejection of an application, being £22 or £44 dependent upon when rejection takes place, is replaced by a standard fee of £30.

Article 6 amends the fees for recording deeds and documents in the General Register of Sasines. The fees applied are those set out in Table A in Part IV of the Schedule or, in the case of recording

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a notice of title in favour of certain statutory bodies, £30. Fees for recording heritable securities are now £30 and no longer calculated by reference to an ad valorem scale.

The fee for recording by memorandum is increased from half of the fixed fee (£11) to a standard fee of £30 (article 6(c)).

Where as a result of a single transaction an application is made for registration in the Land Register and recording in the General Register of Sasines the fee will be calculated in accordance with Table A in Part IV of the Schedule plus a fee of £30 (increased from a fixed fee of £22) will be payable for each related deed presented for recording or for every other title sheet affected by an application for registration in the Land Register. Where the registration and recording concerns heritable securities the fee will be £30 for the transaction plus £30 for every other title sheet affected or deed recorded instead of an ad valorem fee plus a fixed fee. (Article 7).

Article 8 revises section 2 of Part III of the Schedule. The fee for registration or recording of receipts under the Industrial and Provident Societies Act 1965 remains 25 pence. The fee for registering or recording other deeds or events is increased from the fixed fee to £30.

In Part IV Tables A and B are replaced. Table A is reduced from 51 bands to 12 bands with substantial reductions to the majority of the fees. Table B in relation to heritable securities is removed. New Table B is the table applicable to registration in the Land Register using the ARTL System. The same bands are used as for Table A but the fees are reduced further. (Article 9).

Part VII (Register of Service of Heirs) is deleted (article 12).

The following fees have also been altered:

- in the Register of Inhibitions and Adjudications, registration fees for each document are reduced from £20.00 to £15.00 (article 10);
- in the Register of Deeds etc, Register of Protests and Register of Judgments the fee will be £10 for each document regardless of the number of pages (article 11);
- in the Register of the Great Seal, the fee for a charter of incorporation is increased from £170.00 to £250.00 (article 13);
- the fee for a charter of novodamus or other Crown grant of land is increased from £44.00 to £60.00 in respect of an unsealed deed and from £170.00 to £250.00 in respect of a sealed deed (article 13); and
- the fees for a Commission is increased from £500.00 to £630.00 (article 13);
- in the Register of the Cachet Seal, fees for each impression are increased from £15.00 to £30.00 (article 14);
- in the Register of the Quarter Seal, fees for each Gift of Ultimus Haeres have increased from £44.00 to £130.00 (article 15);
- the fees for each Certificate issued under the Civil Jurisdiction and Judgments Act 1982 are increased from £21.00 to £30.00 (article 16); and
- the fees for each Certificate of Custody when a deed is retained for permanent preservation are increased from £10.00 to £20.00 (article 16).