
STATUTORY INSTRUMENTS

1988 No. 665

The Land Registration Fee Order 1988

PART III

GENERAL AND ADMINISTRATIVE PROVISIONS

Refund of fees

9.—(1) Where an amount exceeding the prescribed fee has been paid, there shall be refunded any excess remaining after the deduction, if the Registrar so directs, of an amount not exceeding £10 in respect of the cost of repayment.

(2) Where the person or firm lodging the application is an account holder, any amount to be refunded under paragraph (1) may at the discretion of the Registrar be repaid to the account holder by crediting the amount to the account holder's credit account.

(3) Subject to article 10(2), if any application is cancelled or withdrawn no part of the fee therefor shall be refunded unless the Registrar so directs.

Exceptional work and costs

10.—(1) If the Registrar considers that an application for:

- (a) a search of the index map;
- (b) first registration (other than an application founded upon an assurance inducing compulsory registration of title); or
- (c) conversion from one class of title to another;

entails an exceptional amount of work, such fee or additional fee shall be payable as the Registrar shall direct without having regard to any maximum fee.

(2) Notification of the fee or additional fee shall be given to the applicant and, if he then elects to withdraw his application, any fee already paid thereon shall be refunded.

(3) If in the course of dealing with any application, the Registrar directs publication of an advertisement, the making of a survey (other than a survey to identify on the ordnance map land which is registered or is required to be registered under section 123 of the Act or is in a compulsory area) or any other special enquiry, the costs so incurred shall be defrayed by the applicant unless the Registrar directs to the contrary.

Fixed boundaries

11. Where application is made for the boundaries of land to be noted on the register as fixed under rule 277 of the Land Registration Rules 1925(1) such fee shall be charged as the Registrar may consider necessary to cover the cost of any examination of title, enquiries, mapping, surveying, notices or other work involved.

Special expedition

12. Where application for special expedition in connection with an application is granted, such further fee, being not less than £25, shall be payable as the Registrar shall direct having regard to the special work involved.

Applications not otherwise referred to

13. Upon an application for which no other fee is payable under this Order and which is not exempt from payment, there shall be paid such fee (if any) not exceeding a fee in accordance with Scale A in Schedule 1 on the value of the land or on the amount of the charge as the Registrar shall direct having regard to the work involved.

Method of payment

14. Subject to article 15:

- (a) every fee shall be paid by means of a cheque or postal order crossed and made payable to H. M. Land Registry;
- (b) where a fee is paid by means of cheque and it comes to the notice of the Registrar before the application has been completed that the cheque has not been honoured, the application may be cancelled;
- (c) where the amount of a fee payable on an application is immediately ascertainable, the fee shall be paid on delivery of the application;
- (d) where the amount of a fee payable on an application is not immediately ascertainable, on delivery of the application there shall be paid on account of the fee such sum, being not less than the minimum fee payable in accordance with Scale A in Schedule 1, as the applicant may reasonably estimate to be the fee payable and there shall be lodged therewith an undertaking to pay on demand the balance of the fee due, if any.

Credit accounts

15.—(1) Any person or firm may, if authorised by the Registrar, use a credit account in accordance with this article for the purpose of the payment of fees for applications and services of such kind as the Registrar shall from time to time direct.

(2) Where an account holder makes an application in respect of which credit facilities are available, he may make a request, in such manner as the Registrar shall direct, for the appropriate fee to be debited to the account holder's credit account.

(3) A statement of account shall be sent by the Registrar to each account holder at the end of each calendar month or such other period as the Registrar shall direct either in any particular case or generally.

(4) On receipt of the statement and if no question arises thereon the account holder shall pay by cheque any sum due on his account forthwith.

(5) Cheques shall be crossed and made payable to H. M. Land Registry and sent to the Accounts Section, H. M. Land Registry, Burrington Way, Plymouth, PL5 3LP or at such other address as the Registrar shall direct.

(6) The Registrar may at any time and without giving reasons terminate or suspend any or all authorisations given under paragraph (1).