



LAND REGISTRATION (FEES) ORDER 2013

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Statutory Document No. 0047/2013



Land Registration Act 1982

LAND REGISTRATION (FEES) ORDER 2013

Approved by Tynwald: 21 May 2013
Coming into Operation: 1 July 2013

The Treasury makes the following Order under section 76(1) of the Land Registration Act 1982.

PART 1 - PRELIMINARY

1 Title

This Order is the Land Registration (Fees) Order 2013.

2 Commencement

If approved by Tynwald, this Order comes into operation on 1 July 2013¹.

3 Interpretation

(1) In this Order —

“**Act**” means the Land Registration Act 1982;

“**charge**” includes a sub-charge;

“**monetary consideration**” means a consideration in money or money’s worth other than —

(a) a consideration consisting solely of a covenant to pay money owing under a charge; or

(b) the consideration for a lease mentioned in article 4(4);

“**land**” includes any estate;

“**Rules**” means the Land Registry Rules 2000².

(2) An expression in this Order defined in the Rules has the same meaning as in the Rules.

¹ Tynwald approval is required under section 76(2) of the Act

² SD 588/00

4 Calculation of fees

- (1) In calculating the fee payable under this Order in respect of an application, the value on which the fee is payable —
 - (a) if a transaction gives rise to the application and the monetary consideration relating to it is equal to or greater than the value of the land, is that monetary consideration; or
 - (b) if no transaction gives rise to the application or the monetary consideration is less than the value of the land, is the value of the land.
- (2) If a transaction consists of or includes an exchange, each element of the transaction is treated as separate for the purposes of calculating the fees payable.
- (3) In calculating the fee payable the value is rounded up to the nearest £1,000.
- (4) In the case of an application for first registration of a leasehold estate on the grant of a lease (whether out of registered or unregistered land), the monetary consideration is calculated according to the formula $P + 10R$ where —

P is the consideration stated in the lease (as declared in the application); and

R is the highest ascertainable amount of annual rent reserved by the lease.

5 Valuation

- (1) For the purposes of this Order the value of land is the amount which the land might be expected to reach on the open market if sold by a willing seller.
- (2) In the case of the surrender of a lease the value is the leasehold estate immediately before the surrender.
- (3) The value includes the value of any building erected or being erected on the land.
- (4) In the case of a transfer by way of gift or at an under value no account is taken of any charge on the land.
- (5) If the value of any land is declared in the application the Registrar may accept it as the true value of the land if the valuation is certified by a person the Registrar considers qualified to give it.

PART 2 – FEES

6 Fees – general

The fees payable under this Order are the fees provided by this Part unless exempted under article 11.

7 Fees for certain transactions in registered land

- (1) This article applies to the following transactions –
 - (a) an application for first registration of title to land;
 - (b) a transfer of title of registered land (including a transfer pursuant to a court order);
 - (c) a surrender of a lease of registered land for monetary consideration (however effected); or
 - (d) a transmission on defeasance of an estate in registered land.
- (2) Subject to paragraphs (3) and (4) the fee payable for a transaction to which this article applies is –
 - (a) £5.70 for each £1,000 of value; or
 - (b) £75.00,whichever is the higher.
- (3) In the case of an application for first registration, or a transfer of title, of registered land if –
 - (a) the land consists of or includes a dwelling that is occupied or capable of being occupied as such;
 - (b) the monetary consideration or value calculated in accordance with article 4 or article 5 as the case may be does not exceed the limit set by the Department of Social Care for financial assistance under a Government house purchase assistance scheme; and
 - (c) the application is accompanied by a Government Grant or top-up loan in accordance with a Government house purchase assistance scheme,paragraph (2) applies as if for “£5.70” there were substituted “£2.85”.
- (4) If the application is a voluntary first registration and the deed has already been registered in the Deeds Registry, the fee payable is £75.00.

8 Fee in respect of boundary applications

- (1) This article applies to applications –
 - (a) to settle and enter on the title register as conclusive the boundaries between lands or any part of lands under section 59(2) of the Act; or

- (b) to decide any question as to the boundaries or extent of registered land under section 59(5) of the Act.
- (2) The fee payable in respect of applications to which this article applies is £75.00.

9 Miscellaneous fixed fees

The fees set out in the Schedule have effect.

10 Other applications

The fee payable in respect of any application for which no fee is prescribed under the preceding provisions of this Order is £75.00.

11 Exemptions

- (1) No fee is payable on an application for compulsory first registration of title to any land if the deed inducing registration, any associated charge and all other relevant deeds have been registered in the Deeds Registry prior to the application being made and the appropriate fee has been paid in accordance with the Deeds and Probate Registries (Fees) Order in force at the time the deeds were registered.
- (2) No fee is payable to cancel a caution, inhibition or restriction under item 8 of Part 1 of the Schedule if the application is part of —
 - (a) a first registration of title application; or
 - (b) an application creating a new title out of an existing registered title.
- (3) No fee is payable in respect of an application by a body mentioned in section 24A(4) of the Act for first registration of the body's title to land made in compliance with a direction of the Council of Ministers under paragraph (1) of that section.

PART 3 – GENERAL

12 Method of payment

- (1) Any fee payable under this Order must be paid either in cash, by cheque or by postal order in favour of “Isle of Man Government”, or by any other means that the Registrar may permit.
- (2) If the amount of a fee is ascertainable at the time of the application, it shall be paid on presentation of the application.
- (3) If the amount of a fee is not ascertainable at the time of the presentation —

- (a) such amount as the Registrar may direct (either generally or in the particular case) must be paid on presentation of the application on account of the fee; and
 - (b) the balance (if any) shall be paid within 21 days of notification by the Registrar to the applicant or the applicant's advocate of the amount due.
- (4) If the amount paid under paragraph (3)(a) exceeds the amount of the fee due, the Registrar must, as soon as practicable after the due amount is ascertained, refund the balance.
- (5) If an application is rejected in accordance with the Rules the Registrar must refund any sum paid on account of the fee, less such amount as the Registrar considers reasonable in respect of the expenses already incurred of any examination of title, enquiries, notices, surveying, mapping or other work involved, subject to a minimum fee of £75.00.

13 Credit Accounts

The Registrar may at any time make arrangements with any person for the maintenance by that person of a credit account with the Registrar for the payment of fees in respect of applications made by the person.

14 Revocation

The Land Registry Fees Order 2010³ is revoked.

MADE 10th April 2013

W E TEARE
Minister for the Treasury

³ SD 0777/10

SCHEDULE

[Article 9]

MISCELLANEOUS FEES

PART 1 – REGISTRATION AND RELATED MATTERS

No.	Nature of Application	Fee
1	To register a charge (including Government Grant and top-up loan)	£51.00
2	To discharge or release a registered charge	£36.00
3	To register an assent, a transmission of registered land to a personal representative on death, or to a trustee in bankruptcy	£75.00
4	A change of name, address or description of a registered owner or other person referred to in the title register, including the name of a joint owner deceased, or any change in the description of registered land	£36.00
5	To give effect on the title register to a change of registered owner of land or a charge, otherwise than by virtue of a transfer or on death or bankruptcy	£36.00
6	Issuing a summons under the seal or stamp of the Land Registry or issuing an order of the Registrar or the Land Commissioner	£36.00
7	To register or modify a caution, inhibition, restriction or other entry in the title register for which no other provision is made	£75.00
8	To cancel a caution, inhibition or restriction	£36.00
9	To register, modify or cancel any appurtenant right or burden	£75.00
10	To close or partly close a registered leasehold title or rent-charge title	£75.00
11	To convert a title from one class to another	£75.00
12	For first registration of title to a rent-charge	£75.00
13	An application to divide or amalgamate registered freehold titles, for each affected title	£75.00
14	To register a transaction in the register of transactions	£36.00
15	To enter a caution requiring notice of an application for first registration of land, for each parcel of land	£75.00
16	An application to the Registrar to extend time for first compulsory registration: for initial application for each subsequent application	£75.00 £37.50
17	To rectify the register	£100.00
18	To register a title acquired by adverse possession (possessory title)	£250.00

PART 2 – INSPECTIONS, COPIES AND SEARCHES

No.	Nature of Application	Fee
19	For an office copy of the title register (including the filed plan but excluding any other plan or document forming part of the title register)	£6.50
20	For any other plan or document forming part of an office copy of the title register, for each plan or document: up to size A3 size A3 and above	£6.50 £13.00
21	For a printed copy of a caution against first registration, or of an entry in the index of pending applications, or the register of transactions	£6.50
22	For an official search of the title register (for each title)	£6.50
23	For an official search of the index map (for each area of land in respect of which the search is made)	£6.50
24	For a priority search of the title register	£36.00
25	For a search of the register of transactions (for each name)	£6.50
26	Retrieval of original documents from storage after conclusion of registration	£45.00

PART 3 – ELECTRONIC SERVICES

No.	Nature of Service	Fee
27	Electronic copy sent via e-mail, for each request: for an office copy of the title register (including the filed plan but excluding any other plan or document forming part of the title register) for any other plan or document forming part of an office copy of the title register for each plan or document	£5.00 £5.00

PART 4 – PHOTOCOPYING CHARGES

No.	Nature of Service	Fee
28	For making a black and white photocopy of a document held in the Land Registry, for each page: A4 A3 over A3	£0.30 £1.20 £3.50
29	For making a colour photocopy of a document held in the Land Registry, for each page: A4 A3 over A3	£1.20 £6.50 £13.00

PART 5 – APPEALS

No.	Nature of Service	Fee
30	To lodge an appeal under section 6 of the Act	£300.00

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the Land Registration Act 1982. It revokes the Land Registry Fees Order 2010 (SD 0777/10).

The Order increases the various fees payable in respect of applications and other proceedings in the Land Registry.