

*Draft Order laid before the Scottish Parliament under section 116(3)(l) of the Land Registration
etc. (Scotland) Act 2012 for approval by resolution of the Scottish Parliament.*

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

REGISTERS AND RECORDS

The Registers of Scotland (Fees) Amendment Order 2021

Made - - - - 2021
Coming into force - - 1st April 2021

The Scottish Ministers make the following Order in exercise of the powers conferred by section 110 of the Land Registration etc. (Scotland) Act 2012(1) and all other powers enabling them to do so.

In accordance with section 110(3) of that Act, the Scottish Ministers have consulted the Keeper of the Registers of Scotland about (among other things), the expenses incurred by the Keeper in relation to the matters specified in section 110(3)(a) and (b) of that Act, and the desirability of encouraging registering, recording and entering in any register under the management and control of the Keeper.

In accordance with section 116(3)(1) of the Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

- 1.—(1) This Order may be cited as the Registers of Scotland (Fees) Amendment Order 2021.
- (2) This Order comes into force on 1 April 2021.

Amendment of the Registers of Scotland (Fees) Order 2014

- 2.—(1) The Registers of Scotland (Fees) Order 2014(2) is amended as follows.
- (2) In article 2(1) (interpretation), for the definition of “ARTL system” substitute—
““digital registration system” has the same meaning as in regulation 1(2) (interpretation) of the Land Register of Scotland (Automated Registration) etc. Regulations 2014(3),”.
- (3) Schedule 1 is amended in accordance with paragraphs (4) to (13).
- (4) In paragraph 1(3)(a)(ii) (applications for deeds (other than heritable securities) and voluntary registration), for “ARTL system” substitute “digital registration system”.
- (5) In paragraph 2 (heritable securities), for sub-paragraphs (a) and (b) substitute—

(1) 2012 asp 5.
(2) S.S.I. 2014/188, amended by S.S.I. 2014/346 and S.S.I. 2015/265.
(3) S.S.I. 2014/347, amended by S.S.I. 2018/72.

- “(a) £80 for each title sheet affected, or
(b) where an application may be, and is, made using the digital registration system, £60 for each title sheet affected”.
- (6) In paragraph 3 (related fees and services)—
- (a) omit sub-paragraphs (1) to 1(A),
(b) in sub-paragraph (2), for “£10” substitute “£20”
(c) in sub-paragraph (3), for “£60” substitute “£80”, and
(d) in sub-paragraph (4), for “£60” substitute “£80”.
- (7) In paragraph 6 (recording by memorandum), for “£60” substitute “£80”.
- (8) In paragraph 7 (additional extract or plain copy), for “£10” substitute “£20”.
- (9) For paragraph 9 (other deeds) substitute—
- “9. Where an application for registration is made under section 21 of the Act, or for recording in the Register of Sasines, or other deeds not referred to in Parts 1 and 2 of this schedule, the fee is £80 for each title sheet affected or each deed recorded.”.
- (10) For paragraph 10 (dual registration) substitute—
- “10. Where an application for registration under section 21 of the Act or for recording a deed in the Register of Sasines comprises an application for dual registration or an application for variation of a title condition and no fee is provided in respect of such application in Parts 1 and 2 of this schedule, the fee is £80 in respect of that application plus £80 for every title sheet other than the first affected by that application and for each deed recorded.”.
- (11) For the table of fees in Part 3 substitute—

“Table of Fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Consideration paid or value £</i>	<i>Fee £</i>	<i>Former Fee £</i>	<i>Voluntary registration Fee £</i>	<i>Former Voluntary Registration Fee £</i>
0 - 50,000	80	60	60	45
50,001 - 100,000	140	120	110	90
100,001 - 150,000	260	240	200	180
150,001 - 200,000	400	360	300	270
200,001 - 300,000	530	480	400	360
300,001 - 500,000	660	600	500	450
500,001 - 700,000	800	720	600	540
700,001 - 1,000,000	930	840	700	630

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Consideration paid or value £</i>	<i>Fee £</i>	<i>Former Fee £</i>	<i>Voluntary registration Fee £</i>	<i>Former Voluntary Registration Fee £</i>
1,000,001 2,000,000	– 1,100	1,000	830	750
2,000,001 3,000,000	– 3,300	3,000	2,480	2,250
3,000,001 5,000,000	– 5,500	5,000	4,130	3,750
5,000,001 or more	8,250	7,500	6,190	5,625”

(12) For the table in Part 4 (the Chancery and Judicial Registers) substitute—

<i>“Registration Fees</i>			
<i>Register</i>	<i>Product/Service</i>	<i>Fee</i>	<i>Former fee</i>
Register of Inhibitions	For each document	£25	£15
Register of Deeds and Probative Writs in the Books of Council and Session	For each document (including first extract)	£20	£10
Register of Protests	For each document (including first extract)	£20	£10
Register of Judgments	For each document (including first extract)	£20	£10
Register of the Great Seal	For a charter of incorporation	£260	£250
	For a commission	£640	£630
Register of the Cachet Seal	For each impression	£40	£30
Register of the Quarter Seal	For each gift of <i>ultimus haeres</i> or <i>bona vacantia</i>	£140	£130
All	When a document is being registered, an additional extract or plain copy requested at the date of the application for registration	£20 plus VAT	£10 plus VAT
None	For each certificate issued under the Civil Jurisdiction and Judgments Act 1982	£40	£30”

(13) For the table in Part 7 (fees for access to a register under the management and control of the Keeper and information made available by the Keeper) substitute—

<i>“Register</i>	<i>Product/Service</i>	<i>Fee</i>	<i>Former Fee</i>
Land Register and Register of Sasines	Search conducted by the Keeper on behalf of a person over one full address including postage, per result (including one plain copy), including nil return	£30 plus VAT	£20 plus VAT
All registers under the management and control of the Keeper	Search conducted by a person through the Registers of Scotland online system (including one title sheet)	£3 plus VAT	—
Registers under the management and control of the Keeper (under exception of the Land Register and Register of Sasines)	Request for inspection of a register in respect of one entry (including response)	£30 plus VAT	—
Land Register	Extract of— Title sheet and part of the cadastral map Title sheet Part of a title sheet Part of cadastral map Document from the archive record Application Advance notice Document in the application record Part of document in application record Certified copy of— Application Advance Notice Document in the application record Part of document in application record	£35 plus VAT	£30 plus VAT
Land Register	Plain copy of—	£25 plus VAT	£16 plus VAT

<i>“Register</i>	<i>Product/Service</i>	<i>Fee</i>	<i>Former Fee</i>
	Title sheet and part of the cadastral map		
	Title sheet		
	Part of a title sheet		
	Part of cadastral map		
	Document from the archive record		
	Part of document from the archive record		
	Application		
	Advance notice		
	Document in the application record		
	Part of document in application record		
Register of Sasines	Extract of recorded deed	£35 plus VAT	<i>£30 plus VAT</i>
Register of Sasines	Plain copy of recorded deed	£25 plus VAT	<i>£16 plus VAT</i>
Register of Judgments, Register of Deeds and Register of Protests	Extract of registered deed	£35 plus VAT	–
Register of Inhibitions, Register of Judgments, Register of Deeds and Register of Protests	Plain copy of registered deed	£35 plus VAT	–
Crofting Register	Office copy of a registration schedule of a croft, common grazing or land held runrig	£35 plus VAT	<i>£30 plus VAT</i>
	Information provided by the Keeper regarding the suitability of an applicant’s map for registration purposes in the Crofting Register		
Crofting Register	Plain copy of a registration schedule of a croft, common grazing or land held runrig	£25 plus VAT	<i>£16 plus VAT</i>

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Registers of Scotland (Fees) Amendment Order 2021 No. 139

<i>“Register</i>	<i>Product/Service</i>	<i>Fee</i>	<i>Former Fee</i>
	Copy of an Ordnance Survey map supplied for the purpose of registration in the Crofting Register		
Register of Community Interests in Land	Extract of registration Plan (colour)	£35 plus VAT	£30 plus VAT
Register of Community Interests in Land	Plain copy of registration Plan (black and white)	£25 plus VAT	£16 plus VAT”

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends certain fees payable in relation to registering, recording or entering in registers under the management and control of the Keeper of the Registers of Scotland, access to those registers and information made available by the Keeper.

Article 2 amends the Registers of Scotland (Fees) Order 2014 (“the 2014 Order”).

Paragraphs (2) and (4) makes minor consequential amendments to update the definition of “ARTL system”.

Paragraph (5) amends the fee charged for registration in respect of a heritable security from £60 to £80, or £60 where the digital registration system is used.

Paragraph (6) amends the fees payable as follows:—

There is no longer a fee for rejection under section 31(3) of the Act or for withdrawal under section 34(1)(a) of the Act.

Where an application is made for an advance notice under 57(1) of the Act or an application for a discharge of an advance notice under section 63(1) of the Act is increased to £20.

Where an application is made to make an entry in, or remove an entry from a title sheet under section 67(3), 69(2), 70(2), (71(2) or 72 of the Act, the fee is increased to £80.

Where an application is made to request the Keeper to vary warrant under section 76(2) of the Act, the fee is increased to £80.

Paragraph (7) amends the fee charged for any writ presented in the Register of Sasines for recording by memorandum from £60 to £80.

Paragraph (8) amends the fee charged, where a deed is being recorded, for an additional extract or plain copy from £10 plus VAT to £20 plus VAT.

Paragraph (9) amends the fee charged where an application is made under section 21 of the Act, or for recording in the Register of Sasines of deeds not referred to in parts 1 and 2 of the schedule to the 2014 Order. The lower fee for application using the digital registration system is removed.

Paragraph (10) amends the fees for dual registration. The table of fees in Part 3 of the schedule is amended by paragraph (11). The fee for an application where the table is not applicable is £80 for each title sheet or each deed recorded. The fees charged for voluntary registration continue to be lower than fees charged for standard registration.

Paragraph (12) amends the fees charged in connection with the Chancery and Judicial Registers.

Paragraph (13) amends the fees for access to a register under the management and control of the Keeper and information made available by the Keeper.

A Business Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. A copy can be viewed at <https://www.ros.gov.uk/about/publications/consultations-and-surveys/2020/fee-review-2020>.