STATUTORY INSTRUMENTS

1974 No. 1659 (S.149)

REGISTERS AND RECORDS, SCOTLAND

Act of Sederunt (Amendment of Fees in the Department of the Registers of Scotland) 1974

Made - - - -	*3rd October* 1974
Coming into Operation	*7th November* 1974

The Lords of Council and Session, in respect that amended tables of fees to be charged in the Department of the Registers of Scotland have been prepared by the Treasury and approved by the Lord President of the Court of Session, the Lord Advocate, and the Lord Justice Clerk in terms of section 25 of the Land Registers (Scotland) Act 1868**(a)** as amended by section 14 of the Reorganisation of Offices (Scotland) Act 1928**(b)**, by virtue of the powers vested in them do hereby enact and declare as follows:

1. The fees to be taken in the Department of the Registers shall be those specified in the Schedule hereto.

2. The Act of Sederunt (Amendment of Fees in the Department of the Registers of Scotland) 1970**(c)** is hereby repealed.

3. This Act of Sederunt may be cited as the Act of Sederunt (Amendment of Fees in the Department of the Registers of Scotland) 1974 and shall come into operation on 7th November 1974.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

G. C. Emslie,
I.P.D.

Edinburgh.
3rd October 1974.

(a) 1868 c. 64.
(b) 1928 c. 34.
(c) S.I. 1970/1584 (1970 III, p. 5337).

SCHEDULE

TABLES OF FEES IN THE DEPARTMENT OF THE REGISTERS OF SCOTLAND

A. GENERAL REGISTER OF SASINES

REGISTRATION FEES

A. CONVEYANCE including ABSOLUTE conveyance, voluntary or judicial, either for a price or as a gift or in implement of trust or other purpose, completion of title by decree or by Notice of Title, feu-right, lease, deed creating a ground annual or other yearly or periodical payment where there is a transfer of heritable property not in security, and generally all deeds transferring an absolute right to heritable subjects.

The fee shall be calculated on (*a*) the consideration, or (*b*) the value of the heritable subjects transferred or passing, or (*c*) the capitalised amount* of (i) feu duty, (ii) rent, or (iii) ground annual or other yearly or periodical sum, PLUS the consideration (if any), at the rate of £5 for every £5,000 or part of £5,000 subject to a maximum of £250.

	£	£		£	£
does not exceed	5,000	5·00	does not exceed	135,000	135·00
" " "	10,000	10·00	" " "	140,000	140·00
" " "	15,000	15·00	" " "	145,000	145·00
" " "	20,000	20·00	" " "	150,000	150·00
" " "	25,000	25·00	" " "	155,000	155·00
" " "	30,000	30·00	" " "	160,000	160·00
" " "	35,000	35·00	" " "	165,000	165·00
" " "	40,000	40·00	" " "	170,000	170·00
" " "	45,000	45·00	" " "	175,000	175·00
" " "	50,000	50·00	" " "	180,000	180·00
" " "	55,000	55·00	" " "	185,000	185·00
" " "	60,000	60·00	" " "	190,000	190·00
" " "	65,000	65·00	" " "	195,000	195·00
" " "	70,000	70·00	" " "	200,000	200,00
" " "	75,000	75·00	" " "	205,000	205·00
" " "	80,000	80·00	" " "	210,000	210·00
" " "	85,000	85·00	" " "	215,000	215·00
" " "	90,000	90·00	" " "	220,000	220·00
" " "	95,000	95·00	" " "	225,000	225·00
" " "	100,000	100·00	" " "	230,000	230·00
" " "	105,000	105·00	" " "	235,000	235·00
" " "	110,000	110·00	" " "	240,000	240·00
" " "	115,000	115·00	" " "	245,000	245·00
" " "	120,000	120·00	" " "	250,000	250·00
" " "	125,000	125·00	exceeds	250,000	250·00
" " "	130,000	130·00			

*Calculated at 20 years' purchase.

B. SECURITIES including their constitution, transfer, postponement, corroboration and extinction (but excluding ground annuals created by bilateral deed.)

The fee shall be calculated on the amount of the security or securities created, transferred, postponed, corroborated or discharged or the amount of the securities affected by any combination of transfer, postponement, corroboration and discharge, or in the case of a sum payable annually, the capitalised value** of such security or securities created, transferred, postponed, corroborated or discharged at the time (excluding ground annuals created by bilateral deed), at the rate of £5 for every £10,000 or part of £10,000, subject to a maximum of £125.

	£	£		£	£
does not exceed	10,000	5·00	does not exceed	140,000	70·00
" " "	20,000	10·00	" " "	150,000	75·00
" " "	30,000	15·00	" " "	160,000	80·00
" " "	40,000	20·00	" " "	170,000	85·00
" " "	50,000	25·00	" " "	180,000	90·00
" " "	60,000	30·00	" " "	190,000	95·00
" " "	70,000	35·00	" " "	200,000	100·00
" " "	80,000	40·00	" " "	210,000	105·00
" " "	90,000	45·00	" " "	220,000	110·00
" " "	100,000	50·00	" " "	230,000	115·00
" " "	110,000	55·00	" " "	240,000	120·00
" " "	120,000	60·00	" " "	250,000	125·00
" " "	130,000	65·00	exceeds	250,000	125·00

Notes

1. Where a standard security is presented for registration along with a conveyance to the Granter of the security of the subjects over which the security is constituted, the fee for the registration of the standard security shall be £1·00. This abatement applies only to standard securities which accompany the conveyance. It does not apply to standard securities which are presented for registration on their own, nor to assignations, discharges or other deeds affecting standard securities whether such securities were presented with the conveyance or on their own.

2. Where two or more standard securities or discharges thereof are recorded in respect of one loan, a fee for the full amount of the loan will be charged on one writ and a fee of £1·00 will be charged on each of the others. This arrangement only applies to standard securities or discharges thereof.

3. In the case of a Discharge and Deed of Restriction the fee will be charged upon the amount of the Discharge.

4. In the case of a Deed of Restriction there will be a fixed fee of £1·00.

5. In the case of a Variation of a standard security in terms of Section 16 of the Conveyancing and Feudal Reform (Scotland) Act 1970 there will be a fixed fee of £1·00 except where the amount secured by the standard security is increased in which case the fee will be charged on the increase.

**Calculated (*a*) for perpetual annuities at 20 years' purchase, and (*b*) for life rent annuities according to value of expectancy.

C. MISCELLANEOUS WRITS not coming under "Conveyance" or "Securities", including Notices of Payments of Grants—£3·00

Receipts registered in terms of section 34 *of the Industrial and Provident Societies Act*, 1965 *c.* 12

	£
For each Receipt (inclusive fee)	0·25

Redemption of Feuduties

	£
Discharges of Feuduty, Ground Annual or other yearly or periodical sum and Receipts for Redemption thereof	1·00

Note: If any such Discharge or Receipt is endorsed on or annexed to a relevant Conveyance no separate fee shall be charged.

Writs recorded by Memorandum

	£
Fee for each Memorandum	1·00

A. GENERAL REGISTER OF SASINESS

SEARCHING FEES

Searches

For every Search for Incumbrances over subjects in one County, included in one Search:—

For any period	£
Not exceeding 5 years	2·00
From 6 to 10 years	2·50
„ 11 to 15 „	3·00
„ 16 to 20 „	4·00
„ 21 to 25 „	5·00
„ 26 to 30 „	6·00
„ 31 to 35 „	7·00
„ 36 to 40 „	8·00

In any Search for a period exceeding 40 years a fee of £0·25 shall be charged for each 5 years or part of 5 years beyond 40 years.

When a Search shall be required in respect of subjects situated in more than one County, the fees above specified shall be charged for one County calculated on the *cumulo* value of the subjects in the Search, and half fees at the same rate shall be charged for each additional County to which the Search shall apply.

When fees for a Search in the Register of Sasines have been paid in the Record Office no fee will be charged in the Department of the Registers of Scotland in respect of a continuation of such Search by the current Indices of Persons and/or Places.

Interim Reports

	£
Interim Reports prior to completion of Search	1·00

Reports from Search Sheets

For searching of any Search Sheet affecting one property:—

	£
Not exceeding 5 years	1·00

£0·25 additional for each 5 years or part of 5 years beyond 5 years. Half fees for each County after the first.

There is no charge for notes made by the party searching the Search Sheets.

B. GENERAL REGISTER OF HORNINGS

REGISTRATION FEES

	£
For each page or part thereof	1·00

C. REGISTER OF INHIBITIONS AND ADJUDICATIONS

REGISTRATION FEES

	£
(*a*) Registration Fee	1·00
(*b*) For each page of Record	0·25

When fees for a Search in the Register of Inhibitions and Adjudications have been paid in the Record Office no fee will be charged in the Department of the Registers of Scotland in respect of a continuation of such Search in the current year's Index.

Searching Fees

	£
For any period not exceeding 5 years	1·00
For each additional 5 years or part of 5 years beyond 5 years	0·25

Where the number of names searched against exceeds 6, a further charge of £0·25 for each period of 5 years or part thereof shall be made for every 6 additional or fewer names.

D. Register of Entails

Registration Fees

	£
For each page or part thereof	1·00
For Certification of Registration	2·50

E. Register of Deeds, &c., Register of Protests, and Register for English and Irish Judgments

Registration Fees

	£
1. Registration of Deeds and Certificates of English and Irish Judgments:—	
(*a*) Registration or Preservation Fee, each deed or certificate ...	1·00
(*b*) For each page of Record	0·25
2. Recording Protest of a Bill or Promissory Note	1·00

F. H.M. Chancery

	£
For extracting Decrees of Service (including recording) each page of Extract of part thereof	1·00

Note: "Page" in Chancery Registers means a page of Record Volume.

G. Register of the Great Seal

	£
For a Charter of Incorporation	65·00
For a Charter of Novodamus or other Crown Grant of land	10·00
For a Commission	65·00
For each page or part thereof	1·00
For each page of recording or part thereof	0·25

Cachet Seal

	£
For each impression	0·25

H. Register of the Prince's Seal

	£
For a Charter of Novodamus or other grant of land by the Prince and Steward of Scotland	10·00
For each page or part thereof	1·00
For each page of recording or part thereof	0·25

I. Register of the Quarter Seal

	£
For each Gift of Ultimus Haeres	5·00
For each page or part thereof	1·00
For each page of recording or part thereof	0·25

J. Precept Record (Crown) and Precept Record (Prince and Steward of Scotland)

	£
For each Writ of Clare Constat or other Grant	10·00
For each page or part thereof	1·00
For each page of recording or part thereof	0·25

K. Record of Crown Grants

	£
For each Minute	1·00
For each copy certified in addition to the principal	0·50

Fees Applicable to all Registers

I. Inspection Fees

	£
For the inspection of each index, volume (except the Search Sheet), document or process	0·25

II. Copying Fees

The following fees are in addition, where appropriate, to the fees for registration or preservation, recording in the Record Volume, searching and authentication.

	£
1. For official extracts (except first Extracts of Decrees of Service) certified copies, plain copies, duplicates and excerpts:—	
(*a*) by Xerography, or similar method per sheet	0·07
(*b*) by Photostat per sheet	0·15
(*c*) by Typing per sheet	0·25
(*d*) by Writing per sheet	0·25
2. Authentication:— For each official extract or certified copy	0·35
3. Handling Charge for Second and Subsequent Extracts	0·50

III. Other Services

	£
1. For a Record retransmitted or transmitted to any court, or exhibited therein, at the instance of a party, in accordance with the Rules of Court governing such transmissions or exhibitions	1·25
2. For attendance by an officer of the Department at any Court to produce a Record in evidence, for each day or part of a day in addition to travelling expenses	15·00
3. For each Certificate issued under the Judgments Extension Act 1868 (31 & 32 Vict. c. 54)	1·00
4. For each Certificate of Custody that a deed is retained for permanent preservation	1·00

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt.)

This Act of Sederunt prescribes new fees in the Department of the Registers of Scotland for registration of deeds, searches and other services.

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