STATUTORY INSTRUMENTS

# 1979 No. 1127 (S. 101)

# REGISTERS AND RECORDS, SCOTLAND

## Fees in the Department of the Registers of Scotland Order 1979

| | |
|---|---|
| *Made* - - - - | *4th September* 1979 |
| *Coming into Operation* | *10th September* 1979 |

The Secretary of State, in exercise of the powers conferred on him by section 25 of the Land Registers (Scotland) Act 1868(a) and of all other powers enabling him in that behalf and with the consent of the Treasury, hereby makes the following order—

**1.** This order may be cited as the Fees in the Department of the Registers of Scotland Order 1979 and shall come into operation on 10th September 1979.

**2.** The fees payable in respect of the matters specified in the Schedule to this order, being matters relating to registration or recording in the registers under the management and control of the Keeper of the Registers of Scotland and to the provision by the Keeper of searches, reports, certificates or other documents or copies of any document or of information from any such register, shall be the fees specified in relation to those matters in that Schedule.

*George Younger,*
One of Her Majesty's Principal Secretaries of State.

29th August 1979.

We Consent

*John MacGregor,*
*David Warrington,*
Two of the Lords Commissioners of Her Majesty's Treasury.

4th September 1979.

(a) 1868 c. 64. Section 25 was substituted by section 23 of the Land Registration (Scotland) Act 1979 (c. 33.)

## SCHEDULE

TABLE OF FEES IN THE DEPARTMENT OF THE REGISTERS OF SCOTLAND

### A. GENERAL REGISTER OF SASINES

#### I. 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 £8·00 for every £5,000 or part of £5,000 subject to a maximum of £400·00.

| | £ | £ | | £ | £ |
|---|---|---|---|---|---|
| does not exceed | 5,000 | 8·00 | does not exceed | 135·000 | 216·00 |
| " " " | 10,000 | 16·00 | " " " | 140,000 | 224·00 |
| " " " | 15,000 | 24·00 | " " " | 145,000 | 232·00 |
| " " " | 20,000 | 32·00 | " " " | 150,000 | 240·00 |
| " " " | 25,000 | 40·00 | " " " | 155,000 | 248·00 |
| " " " | 30,000 | 48·00 | " " " | 160,000 | 256·00 |
| " " " | 35,000 | 56·00 | " " " | 165,000 | 264·00 |
| " " " | 40,000 | 64·00 | " " " | 170,000 | 272·00 |
| " " " | 45,000 | 72·00 | " " " | 175,000 | 280·00 |
| " " " | 50,000 | 80·00 | " " " | 180,000 | 288·00 |
| " " " | 55,000 | 88·00 | " " " | 185,000 | 296·00 |
| " " " | 60,000 | 96·00 | " " " | 190,000 | 304·00 |
| " " " | 65,000 | 104·00 | " " " | 195,000 | 312·00 |
| " " " | 70,000 | 112·00 | " " " | 200,000 | 320·00 |
| " " " | 75,000 | 120·00 | " " " | 205,000 | 328·00 |
| " " " | 80,000 | 128·00 | " " " | 210,000 | 336·00 |
| " " " | 85,000 | 136·00 | " " " | 215,000 | 344·00 |
| " " " | 90,000 | 144·00 | " " " | 220,000 | 352·00 |
| " " " | 95,000 | 152·00 | " " " | 225,000 | 360·00 |
| " " " | 100,000 | 160·00 | " " " | 230,000 | 368·00 |
| " " " | 105,000 | 168·00 | " " " | 235,000 | 376·00 |
| " " " | 110,000 | 176·00 | " " " | 240,000 | 384·00 |
| " " " | 115,000 | 184·00 | " " " | 245,000 | 392·00 |
| " " " | 120,000 | 192·00 | " " " | 250,000 | 400·00 |
| " " " | 125,000 | 200·00 | exceeds | 250,000 | 400·00 |
| " " " | 130,000 | 208·00 | | | |

*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 £8·00 for every £10,000 or part of £10,000, subject to a maximum of £200·00.

| | £ | £ | | £ | £ |
|---|---|---|---|---|---|
| does not exceed | 10,000 | 8·00 | does not exceed | 140,000 | 112·00 |
| „ „ „ | 20,000 | 16·00 | „ „ „ | 150,000 | 120·00 |
| „ „ „ | 30,000 | 24·00 | „ „ „ | 160,000 | 128·00 |
| „ „ „ | 40,000 | 32·00 | „ „ „ | 170,000 | 136·00 |
| „ „ „ | 50,000 | 40·00 | „ „ „ | 180,000 | 144·00 |
| „ „ „ | 60,000 | 48·00 | „ „ „ | 190,000 | 152·00 |
| „ „ „ | 70,000 | 56·00 | „ „ „ | 200,000 | 160·00 |
| „ „ „ | 80,000 | 64·00 | „ „ „ | 210,000 | 168·00 |
| „ „ „ | 90,000 | 72·00 | „ „ „ | 220,000 | 176·00 |
| „ „ „ | 100,000 | 80·00 | „ „ „ | 230,000 | 184·00 |
| „ „ „ | 110,000 | 88·00 | „ „ „ | 240,000 | 192·00 |
| „ „ „ | 120,000 | 96·00 | „ „ „ | 250,000 | 200·00 |
| „ „ „ | 130,000 | 104·00 | exceeds | 250,000 | 200·00 |

*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 £5·00. This abatement applies only to standard securities which accompany the conveyance. It does not apply to standard securitities 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 £5·00 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 £5·00.

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 £5·00 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 liferent annuities according to value of expectancy.

C. MISCELLANEOUS WRITS not coming under "Conveyance" or "Securities", including Notices of Payments of Grants—£5·00.

*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—£5·00.

*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 .. .. .. .. .. .. .. | 1·60 |

II SEARCHING FEES

*Searches*

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

| For any period | £ |
|---|---|
| Not exceeding 5 years .. .. .. .. .. .. .. .. | 4·60 |
| From 6 to 10 years .. .. .. .. .. .. .. .. | 5·40 |
| „ 11 to 15 „ .. .. .. .. .. .. .. .. | 6·30 |
| „ 16 to 20 „ .. .. .. .. .. .. .. .. | 7·80 |
| „ 21 to 25 „ .. .. .. .. .. .. .. .. | 9·50 |
| „ 26 to 30 „ .. .. .. .. .. .. .. .. | 11·10 |
| „ 31 to 35 „ .. .. .. .. .. .. .. .. | 12·70 |
| „ 36 to 40 „ .. .. .. .. .. .. .. .. | 14·40 |

In any Search for a period exceeding 40 years a fee of £0·45 shall be charged for each year or part of a year beyond 40 years.

*Notes:*—(1) The above fees include writing fees.

(2) When a Search shall be required in respect of subjects situated in more than one County, half fees at the above rate shall be charged for each additional County to which the Search shall apply.

*Interim Reports*

| | £ |
|---|---|
| Interim Report prior to completion of Search .. .. .. .. | 1·70 |

*Reports from Search Sheets*

| | £ |
|---|---|
| For searching of any Search Sheet affecting one property:— | |
| Not exceeding 5 years .. .. .. .. .. .. .. .. | 1·60 |

£0·45 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 fee .. .. .. .. .. .. .. .. | 3·40 |

C. Register of Inhibitions and Adjudications

*Registration Fees*

| | £ |
|---|---|
| For a document of one page .. .. .. .. .. .. .. | 2·00 |
| For each additional page .. .. .. .. .. .. .. | 0·45 |

*Searching Fees*

| | £ |
|---|---|
| For any period not exceeding 5 years .. .. .. .. .. | 1·70 |
| For each additional 5 years or part of 5 years beyond 5 years .. .. | 0·60 |

*Note:*—The above fees include writing fees.

D. Register of Entails

| | £ |
|---|---|
| Registration fee .. .. .. .. .. .. .. .. | 5·60 |

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

*Registration Fees*
(including recording, extracting and authentication fees)

| | £ |
|---|---|
| 1. Deeds and Certificates of English and Irish Judgments:— | |
| For a document of one page .. .. .. .. .. .. | 2·90 |
| For each additional page .. .. .. .. .. .. | 0·60 |
| 2. Protest of a Bill or Promissory Note .. .. .. .. .. | 2·35 |

### F. H.M. Chancery

*Registration Fees*

(including recording, extracting and authentication fees)

| | £ |
|---|---|
| Decrees of Service:— | |
| For each page of Extract or part thereof .. .. .. .. .. | 1·70 |

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

### G. Register of the Great Seal

*Registration Fees*

| | £ |
|---|---|
| For a Charter of Incorporation .. .. .. .. .. .. | 106·00 |
| For a Charter of Novodamus or other Crown Grant of land .. .. | 16·80 |
| For a Commission .. .. .. .. .. .. .. .. | 106·00 |

### Cachet Seal

| | £ |
|---|---|
| For each impression .. .. .. .. .. .. .. .. | 0·60 |

### H. Register of the Prince's Seal

*Registration Fees*

| | £ |
|---|---|
| For a Charter of Novodamus or other grant of land by the Prince and Steward of Scotland .. .. .. .. .. .. .. .. | 18·00 |

### I. Register of the Quarter Seal

*Registration Fees*

| | £ |
|---|---|
| For each Gift of Ultimus Haeres .. .. .. .. .. .. | 13·40 |

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

*Registration Fees*

| | £ |
|---|---|
| For each Writ of Clare Constat or other Grant .. .. .. | 18·00 |

FEES APPLICABLE TO ALL REGISTERS

*I. Inspection Fees*

| | £ |
|---|---|
| For the inspection of each index and volume (except the Search Sheet), document or process .. .. .. .. .. .. .. .. | 0·45 |

*Note:*—Where fees have been paid to the Scottish Record Office for the inspection of minute books and indexes of the Register of Sasines, Register of Inhibitions and Adjudications and other public registers, no fee will be charged by the Department of the Registers of Scotland in respect of a continuation thereof to date.

*II. Copying Fees*

| | £ |
|---|---|
| 1. For official extracts, certified copies, plain copies and duplicates:— | |
| (*a*) by Xerography or similar method, per sheet .. .. .. | 0·14 |
| (*b*) by Photostat, per sheet .. .. .. .. .. .. | 0·30 |
| (*c*) by Typing, per sheet .. .. .. .. .. .. .. | 0·45 |
| (*d*) by Writing, per sheet .. .. .. .. .. .. | 0·45 |
| 2. Authentication:— | |
| For each official extract, certified copy, or duplicate .. .. .. | 0·65 |
| 3. Handling charge for second and subsequent extracts and for copies | 0·80 |

*Notes:*—(1) Copying and authentication fees are included in the registration fees in Tables E and F.

(2) The handling charge is remitted for orders placed at the time of registration.

*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.. .. .. .. .. | 2·50 |
| 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 .. .. .. .. .. .. .. .. | 30·00 |
| 3. For each Certificate issued under the Judgment's Extension Act 1868 (31 & 32 Vict, c. 54) .. .. .. .. .. .. .. .. | 1·85 |
| 4. For each Certificate of Custody that a deed is retained for permanent preservation .. .. .. .. .. .. .. .. .. | 1·85 |

## EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order prescribes the fees payable for the registration or recording of deeds in registers under the management and control of the Keeper of the Registers of Scotland and for the provision by the Keeper of searches and other services relating thereto.

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