

The Fees in the Registers of Scotland Amendment Order 2010

Background

The Fees in the Registers of Scotland Amendment Order 2010 (SSI 2010/404) will come into force on 10 January 2011. The Amendment Order reflects the outcome of a review of fees undertaken by the Keeper on behalf of Scottish Ministers.

RoS operates as a Trading Fund. This means that we are entirely self-financing, covering our expenditure primarily through the fees that we charge for our registration and information services. The new fees are being introduced as part of a financial sustainability review and will restore fee levels to full cost recovery for the services that RoS provides. This Registers Update sets out all of the changes and other relevant information with the new fees being detailed in the table overleaf. Further information on the consultation and the new fees can be found on the RoS website at www.ros.gov.uk/feereview2010.

Summary of Changes to Registration and Recording Fees

The minimum fee for transfer applications submitted in paper will increase from £30 to £60, with the ARTL minimum fee increasing from £20 to £50. All other fee bands will increase by 20%, except those applying to properties for which the consideration is greater than £1 million, which will remain unchanged. The fee for miscellaneous deeds or for registering or recording any deed relating to a Standard Security will increase from £30 to £60 for paper applications and from £20 to £50 for ARTL applications.

A new fee of £30 is to be introduced for applications rejected prior to being accepted for the Land Register application record. The cancellation fee will be set at the application fee but with a cap of £400. Fees for the Chancery and Judicial Registers remain unchanged except for the increase from £8 to £10 for handling second and subsequent extracts and

for copies. There is no longer a provision relating to the feeing of related applications submitted in a number of deeds. These applications will now be charged like any other application with each deed being charged on its own merit.

The Consultation Paper proposed to charge an additional fee of £400 for constitutive deeds containing Real Burdens. This fee has not been included within the Amendment Order but may be revisited at a future date. In the case of housing developments, the Keeper believes that the use of a Deed of Conditions or a Deed of Real Burdens is more appropriate and would improve the registration process.

Summary of Changes to Information Fees

The standard Registers Direct fee will increase from £1.80 plus VAT to £3 plus VAT. Nil returns on Registers Direct will continue not to attract a charge and free access to our online Scotland's House Prices will also continue. The fees for Reports, copies and

extracts and the provision of information to customers such as the Land Values report will rise in line with costs.

To reflect the costs involved RoS are introducing some new charges for the provision of information. Additional charges will be introduced of £8 for searches conducted by RoS staff from letter, fax or email requests and £12 for those requested in person at our customer service centres. A fee of £50 will be introduced for our pre-registration enquiries service. All enquiries must be in writing (i.e. email, letter or fax) and must be clearly marked for the attention of pre-registration enquiries. In respect of personal presentments of applications at our Customer Service Centres an additional fee of £15 will be charged in addition to the registration fee.

VAT Change

The national increase in VAT from 17.5% to 20% is scheduled to take place on 04 January 2011. To minimise the impact on customers, RoS will continue to charge customers 17.5% on those services that attract VAT until the new fees come into force on 10 January 2011. This will ensure that customers only need to manage the changes required for one set of fee changes. To accommodate this there will be a change to when Registers Direct invoices are generated in January. Invoices will be generated during the weekend of 08 January 2011 and then at the end of the month. The dates will return to normal in February.

Payment of Fees

We can now process the payment of registration fees by variable direct debit. Some of the major reasons for applications being rejected by RoS prior to being accepted for the Land Register application record relate to fees. This can be the fee being incorrect or that the application has been submitted with incorrect or missing cheques. From 10 January 2011 rejections will incur a charge of £30 and the use of variable direct debit would greatly reduce the risk of rejection. The use of ARTL removes the risk of rejection entirely as ARTL applications cannot be rejected. Solicitors interested in taking advantage of variable direct debit should contact our Accounts Department on 0131 479 3632 or by email at directdebit@ros.gov.uk.

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