

2012 No. 2910

LAND CHARGES, ENGLAND AND WALES

The Land Charges Fees (Amendment) Rules 2012

Made - - - - *20th November 2012*

Coming into force - - *17th December 2012*

The Secretary of State makes the following rules in exercise of the powers conferred by sections 9(1), 10(2), 16(1) and 17(1) of the Land Charges Act 1972(a).

In accordance with section 16(1) of that Act, the Treasury has concurred in the making of these rules.

Citation and commencement

1. These rules may be cited as the Land Charges Fees (Amendment) Rules 2012 and shall come into force on 17th December 2012.

Interpretation

2. In these rules “the principal rules” means the Land Charges Fees Rules 1990(b), and in rules 3 to 5 a reference to a rule by number is a reference to the rule so numbered in the principal rules.

Amendments to the principal rules

3. In rule 1(2) omit ““written application” in Schedule 1 does not include an application made by teleprinter or facsimile transmission”.

4. For rule 3 substitute—

“3. Every fee which accompanies an application shall, except as mentioned in rule 4 or as the Registrar may otherwise allow, be paid in cash or by means of a cheque or postal order crossed and made payable to Land Registry.”.

5. In rule 4, after paragraph (4) add—

“(5) Where there is an agreement with the applicant, a fee may be paid by direct debit or other means to such bank account of the registry as the Registrar may from time to time direct and payment in this manner shall be treated as due payment of that fee.”.

(a) 1972 c. 61. The functions of the Lord Chancellor under the Land Charges Act 1972 were transferred to the Secretary of State by article 3(1) of, and paragraph 2 of Schedule 1 to, the Transfer of Functions (Her Majesty’s Land Registry, the Meteorological Office and Ordnance Survey) Order 2011 (S.I. 2011/2436). One of the transferred functions was the making of rules as to fees with the concurrence of the Treasury under section 16(1), which was amended by paragraph 3 of Schedule 2 to the Order.

(b) S.I. 1990/327, amended by S.I. 1994/286.

6. For Schedule 1 to the principal rules substitute the schedule set out in the Schedule to these rules.

7. For paragraph 5 of Schedule 2 to the principal rules substitute—

“5. Cheques shall be made payable to Land Registry and sent to the Accounts Section, Land Charges Department, at the office of the registry specified in a direction pursuant to section 17(2) of the Act.”.

Signed by the authority of the Secretary of State

12th November 2012

Michael Fallon
Minister of State for Business and Enterprise
Department for Business, Innovation and Skills

We concur

20th November 2012

Desmond Swayne
Mark Lancaster
Two of the Lord Commissioners of Her Majesty's Treasury

SCHEDULE

Rule 6

SUBSTITUTED SCHEDULE 1 TO THE PRINCIPAL RULES

“SCHEDULE 1

Rule 2

| Service | Amount of Fee |
|---|---------------|
| 1. Registration, renewal, rectification or cancellation of an entry in any registerper name | £1 |
| 2. Certificate of cancellation.....per name | £1 |
| 3. Entry of a priority notice.....per name | £1 |
| 4. Inspection of an entry in the register.....per entry | £1 |
| 5. Office copy of an entry in the register (including any plan).....per copy | £1 |
| 6. Official search in the index (including issue of certificate of result)— (a) application within rule 20(1) of the Land Charges Rules 1974(a) (by prepaid post, document exchange or delivery by hand).....per name (b) application within rule 20(3) of the Land Charges Rules 1974 (by other means of communication).....per name | £1 £2” |

(a) S.I. 1974/1286, amended by S.I. 1990/485, 1991/2684, 1994/287, 1995/1355, 2005/1981, and section 20 amended by 2012/2884.

EXPLANATORY NOTE

(This note is not part of the rules)

These rules amend the Land Charges Fees Rules 1990 (S.I. 1990/327) (the Fees Rules) in consequence of amendments made to the Land Charges Rules 1974 (S.I. 1974/1286) (the Land Charges Rules) by the Land Charges (Amendment) Rules 2012 (S.I. 2012/2884).

The Land Charges Rules, as amended, distinguish applications made, and priority notices given, by post, document exchange or delivered by hand from those made or given by any other means of communication.

The changes to the Fees Rules take account of this distinction and make changes as regards the payment of fees.

Rule 3 omits the interpretation of “written application”.

Rule 4 substitutes a new rule 3 to clarify that fees may be paid by cheque.

Rule 5 adds provision for payment of fees by direct debit.

Rule 6 substitutes a new Schedule 1, the effect of which is:

- (a) The fee for the services listed at 1 to 5 in that Schedule remain at £1, irrespective of the means of communication used to apply for that service.
- (b) The fee for an official search in the index (including the issue of a certificate of result) remains at £1 where the application for the search is made by post, document exchange or delivered by hand, and is £2 when made by any other means of communication. (Prior to amendment of the Fees Rules the fee was £2 when the application was made electronically or by fax, telephone or teleprinter).
- (c) Reference to an official search in the index including visual display of result is omitted. This service is now covered by service 6(a) (meaning a reduction in the fee from £2 to £1).

Rule 7 updates the provision for sending payment by cheque.

A full regulatory impact assessment of the effect that this instrument and the Land Charges (Amendment) Rules 2012 will have on the costs of business and the voluntary sector is available from the Project Team Leader, Level 4 Block B, Land Registry Durham Office, Southfield House, Southfield Way, Durham, DH1 5TR and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.

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