



# LAND, DEEDS AND PROBATE REGISTRIES FEES AND DUTIES ORDER 2023

## Index

Article	Page
<b>PART 1 – PRELIMINARY</b>	
<b>3</b>	
1 Title.....	3
2 Commencement.....	3
3 Interpretation.....	3
<b>PART 2 – TYPES OF DUTY PAYERS</b>	
<b>5</b>	
4 Types of duty payer .....	5
5 Isle of Man resident that is a person .....	5
6 Isle of Man resident that is a body corporate .....	6
<b>PART 3 –DUTIES FOR TRANSACTIONS IN THE LAND AND DEEDS REGISTRIES</b>	
<b>6</b>	
7 Transactions.....	6
8 Duty payable.....	7
9 Exemptions from non-resident rate .....	7
10 Duties payable for transactions made by more than one person .....	8
12 Calculation of amount payable for transactions carried on in the Deeds Registry .....	9
14 Exemptions from duties.....	10
<b>PART 4 – FIXED FEES CHARGED BY THE DEEDS AND PROBATE REGISTRIES</b>	
<b>11</b>	
15 Fixed fees charged by the Deeds and Probate Registries .....	11
16 Exemptions from fixed fees charged by the Deeds and Probate Registries.....	11
<b>PART 5 – FIXED FEES CHARGED BY THE LAND REGISTRY</b>	
<b>11</b>	
17 Fixed fees charged by the Land Registry.....	11
18 Exemptions from fixed fees charged by the Land Registry .....	11
<b>PART 6 – GENERAL</b>	
<b>12</b>	
19 Payment for applications in the Land Registry.....	12

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20	Method of payment .....	12
21	Revocations.....	13
<b>SCHEDULE 1</b>		<b>15</b>
<hr/>		
PART 1 – OWNER OCCUPIER DUTIES		15
PART 2 – NON-OWNER OCCUPIER DUTIES		15
PART 3 – DUTIES FOR NON-RESIDENTS		15
<b>SCHEDULE 2</b>		<b>16</b>
<hr/>		
PART 1 – FIXED FEES PAYABLE IN THE DEEDS AND PROBATE REGISTRIES		16
PART 2 – ONLINE SERVICES		16
PART 3 – PHOTOCOPYING CHARGES		16
PART 4 – FIXED FEES FOR CERTAIN TRANSACTIONS		17
<b>SCHEDULE 3</b>		<b>18</b>
<hr/>		
PART 1 – FIXED FEES FOR CERTAIN TRANSACTIONS		18
PART 2 – REGISTRATION AND RELATED MATTERS		18
PART 3 – INSPECTION, COPIES AND SEARCHES		19
PART 4 – ONLINE SERVICES		19
PART 5 – PHOTOCOPYING CHARGES		19
PART 6 – APPEALS		19

Statutory Document No. 2023/0077



*Interpretation Act 2015*

# LAND, DEEDS AND PROBATE REGISTRIES FEES AND DUTIES ORDER 2023

*Laid before Tynwald:*

*Coming into Operation:*

*1 May 2023*

The Treasury makes the following Order under section 81 of the Interpretation Act 2015.

## PART 1 – PRELIMINARY

### 1 Title

This Order is the Land, Deeds and Probate Registries Fees and Duties Order 2023.

### 2 Commencement

This Order comes into operation on 1 May 2023.<sup>1</sup>

### 3 Interpretation

(1) In this Order –

“**Act**” means the Land Registration Act 1982;

“**body corporate**” is –

- (a) to be construed in accordance with article 6; and
- (b) not a natural person;

“**charge**” includes a sub-charge;

“**Charity**” means –

- (a) a charity registered under the Charities Registration and Regulation Act 2019; or

<sup>1</sup> Section 81 of the Interpretation Act 2015 requires an Order made under that section to be laid before Tynwald as soon as practicable after it is made and if Tynwald, at the sitting at which it is laid or the next subsequent sitting, resolves that it is to be annulled, it ceases to have effect.

(b) an organisation listed in the Religious Charities Regulations 1999.

**“consideration”** means a consideration in money or money’s worth other than —

- (a) a consideration consisting solely of a covenant to pay money owing under a charge; or
- (b) the consideration for a lease mentioned in article 11(7);

**“family member”** means any of the following —

- (a) child, adopted child, or step-child;
- (b) parent or step-parent;
- (c) grandparent or step-grandparent; and
- (d) grandchild or step-grandchild.

**“Government Department”** —

- (a) is to be understood in accordance with the Government Department’s Act 1987; and
- (b) includes statutory boards as defined under the Statutory Boards Act 1987;

**“Land Registry”** is to be construed in accordance with the Land Registration Act 1982;

**“non-owner occupier”** is to be construed in accordance with article 4(2);

**“non-owner occupier rate”** is to be construed in accordance 8(1)(b);

**“non-resident”** is to be construed in accordance with article 4(3);

**“non-resident rate”** is to be construed in accordance with article 8(1)(c);

**“owner occupier”** is to be construed in accordance with article 4(1);

**“owner occupier rate”** is to be construed in accordance with 8(1)(a);

**“Registrar”** means the Registrar General of the Central Registry;

**“resident”** is to be construed in accordance with article 4;

**“Rules”** means the Land Registry Rules 2000;<sup>2</sup>

**“the value of the land”** is to be understood in accordance with article 13.

- (2) An expression in this Order that is defined in the Rules has the same meaning as in the Rules.

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<sup>2</sup> SD 0588/00.

## PART 2 – TYPES OF DUTY PAYERS

### 4 Types of duty payer

- (1) An “**owner occupier**” —
  - (a) is a person who satisfies conditions A, B, C and D; and
  - (b) is not a body corporate.
- (2) A “**non-owner occupier**” is —
  - (a) a person who does not satisfy condition A, B or C but satisfies condition D; or
  - (b) a body corporate where it satisfies condition D.
- (3) Where a person or body corporate does not satisfy condition D, such person or body corporate is a “**non-resident**”.
- (4) Condition A is that the person holds and occupies the land for himself or herself in a personal capacity.
- (5) Condition B is that the land consists of a dwelling house, with or without outbuildings and land assigned to its use, with a value of less than £1,000,000.00.
- (6) Condition C is that the person or their advocate must declare the property to be —
  - (a) the person’s sole residential property worldwide; and
  - (b) occupied for residential use exclusively by that person and as appropriate be the person’s household.
- (7) Condition D is that —
  - (a) a person must —
    - (i) be considered a resident in accordance with article 5; or
    - (ii) before making the transaction, declare their intention to become a resident in accordance with article 5; or
  - (b) a body corporate must be considered resident in accordance with article 6.

### 5 Isle of Man resident that is a person

- (1) For the purposes of article 4(7)(a)(i), a person (“P”) is considered to be an Isle of Man resident if P—
  - (a) is present in the Isle of Man on at least 183 days during the period that —
    - (i) begins with the day 364 days before the transaction date; and
    - (ii) ends with the transaction date; and

- (b) declares their intention to become a resident within 183 days beginning on the date of the transaction.
- (2) For the purposes of article 4(7)(a)(ii), P must declare an intention to become an Isle of Man resident during the period that –
  - (a) begins with the transaction date; and
  - (b) ends with the day 183 days after the transaction date.
- (3) References in this article to P being present in the Isle of Man on a day are to P being present in the Isle of Man at the end of that day.

## **6 Isle of Man resident that is a body corporate**

For the purposes of article 4(7)(b), a body corporate is an Isle of Man resident if that corporate body, on the date of the transaction –

- (a) is a company incorporated in the Isle of Man under the Companies Act 1931 or the Companies Act 2006;
- (b) is a foundation established in the Isle of Man under the Foundations Act 2011;
- (c) is a partnership, where at least one partner is an Isle of Man resident under article 5(1); or
- (d) is a Charity.

## **PART 3 –DUTIES FOR TRANSACTIONS IN THE LAND AND DEEDS REGISTRIES**

### **7 Transactions**

- (1) Under this Part a duty is levied for the following transactions carried on in the Land Registry –
  - (a) an application for first registration of title to land;
  - (b) a transfer of title of registered land (including a transfer pursuant to a court order);
  - (c) a surrender of a lease of registered land for consideration (however effected); and
  - (d) a transmission on defeasance of an estate in registered land.
- (2) Under this Part a duty is levied for the following transactions carried on in the Deeds Registry –
  - (a) conveyances;
  - (b) leases;
  - (c) assignments; and
  - (d) settlements of land.

- (3) Except where stated otherwise, in this Part “**transaction**” is to be construed in accordance with both paragraphs (1) and (2).
- (4) Where a transaction gives rise to a duty, the person or body corporate who is to pay the duty is the person or body corporate entitled to the interest created from such transaction.
- (5) For transactions carried on under paragraph (1) only, Parts 11 (proceedings in the Land Registry) and 12 (proceedings before the Land Commissioner) of the Rules apply with regard to determining any question in connection with declarations made under this Part.

## 8 Duty payable

- (1) The duty payable for a transaction is —
  - (a) for an owner occupier, the duty set out in Part 1 of Schedule 1;
  - (b) for a non-owner occupier, the duty set out in Part 2 of Schedule 1;  
or
  - (c) for a non-resident, the duty set out in Part 3 of Schedule 1.
- (2) In the instance where the duty payable under paragraph (1) is below the minimum duty as set out in the respective part to Schedule 1, the minimum duty is the duty to be paid.
- (3) The duties payable under this article are subject to the exemptions specified in articles 9 and 14.
- (4) The duty to be paid under paragraph (1) must be determined in accordance with article 10 where —
  - (a) a transaction is made by more than one person; and
  - (b) no body corporate is making the transaction.

## 9 Exemptions from non-resident rate

- (1) In spite of a person’s or a body corporate’s residency status under article 5 or article 6, respectively, paragraph (2) or paragraph (3) may apply.
- (2) The non-owner occupier rate is payable for a joint transaction where any such person or body corporate making the joint transaction is resident in the Island under either article 5 or article 6.
- (3) The non-owner occupier rate is payable where the transaction is carried on for a property that is exclusively or partly used for commercial purposes.
- (4) In this article, the meaning of “**joint transaction**” —
  - (a) includes a transaction carried on by —
    - (i) more than one body corporate making a transaction; or

- (ii) at least one person and at least one body corporate making a transaction; and
- (b) does not include a transaction —
  - (i) carried on only by persons; and
  - (ii) where there is more than one person.

## 10 Duties payable for transactions made by more than one person

- (1) For the purposes of transactions made by more than one person (“P”), the duty payable is —
  - (a) the owner occupier rate where every P satisfies conditions A, B, C and D as prescribed in article 4;
  - (b) the non-owner occupier rate if —
    - (i) any P is not considered an owner occupier; and
    - (ii) any P is considered a resident; or
  - (c) the non-resident rate if every P is a non-resident.
- (2) In spite of paragraph (1), paragraph (3) applies where it is the case that —
  - (a) every P is a family member of each P; and
  - (b) any P is an owner occupier.
- (3) The owner occupier rate will apply to the fee payable such that —
  - (a) the percentage of value to which the owner occupier rate applies is equal to the percentage ownership of the estate by persons that individually qualify for the owner occupier rate; and
  - (b) the percentage of value to which the owner occupier rate applies is a maximum of 75 percent of the value.

## 11 Calculation of amount payable for transactions carried on in the Land Registry

- (1) The amount payable in respect of a transaction must be determined by the Land Registry in accordance with this article.
- (2) In this article, “**transaction**” is to be construed in accordance with article 7(1).
- (3) The determined value of the amount payable to the Land Registry is either —
  - (a) the consideration; or
  - (b) the value of the land.
- (4) For the purposes of paragraph (3) —
  - (a) sub-paragraph (a) applies where —



- (i) a transaction has been carried on; and
    - (ii) the consideration relating to it is equal to or greater than the value of the land; or
  - (b) sub-paragraph (b) applies where —
    - (i) no transaction has been carried on; or
    - (ii) the consideration is less than the value of the land.
- (5) If a transaction consists of or includes an exchange, each element of the transaction is treated as separate for the purposes of calculating the amount payable.
- (6) In calculating the duty payable, the value is rounded up to the nearest £1,000.00.
- (7) In the case of a first registration of a leasehold estate on the grant of a lease (whether out of registered or unregistered land), the consideration is calculated according to the formula  $P + 10R$  where —
- (a)  $P$  is the consideration, fine or premium stated in the lease (as declared in the application); and
  - (b)  $R$  is the highest ascertainable amount of annual rent reserved by the lease.

## 12 Calculation of amount payable for transactions carried on in the Deeds Registry

- (1) The amount payable in respect of a transaction must be determined by the Deeds Registry in accordance with this article.
- (2) In this article, “**transaction**” is to be construed in accordance with article 7(2).
- (3) In the case of a transaction, the value on which the fee is payable —
- (a) if the consideration relating to it is equal to or greater than the value of the land, is that consideration; or
  - (b) if the consideration is less than the value of the land, is the value of the land.
- (4) In the case of a surrender and release or gift not for value —
- (a) if it gives effect to the disposition of an interest in the land, the duty payable is based on the value of that share of the land; and
  - (b) the value of the land is calculated without taking into account any amount outstanding under any charge on the land.
- (5) If a transaction consists of or includes an exchange, each element of the transaction is treated as separate for the purposes of calculating the duty payable.
- (6) In calculating the fee payable, the value is rounded up to the nearest £1,000.00

- (7) In the case of a grant of a lease, the monetary consideration is calculated according to the formula  $P + 10R$  where —
- (a)  $P$  is the consideration fine or premium stated in the lease (as declared in the deed); and
  - (b)  $R$  is the highest ascertainable amount of annual rent reserved by the lease.

### 13 Valuation

- (1) The value of land —
- (a) includes the value of any building erected or being erected on the land; and
  - (b) is either—
    - (i) the amount that the land might be expected to reach on the open market if sold by a willing vendor to a willing purchaser; or
    - (ii) the value of the leasehold estate immediately before the surrender in the case of the surrender of a lease.
- (2) In the case of a transfer by way of gift or at an under value, no account is taken of any charge on the land.
- (3) If the value of any land is declared in the transaction, the Registrar may accept it as the true value of the land if the valuation is certified by a person the Registrar considers qualified to give it.

### 14 Exemptions from duties

- (1) No duty is payable by a Government Department in respect of any transaction carried on—
- (a) between Government Departments; or
  - (b) where a Government Department is acquiring the land from a person or body corporate who is not a Government Department.
- (2) No duty is payable by a Charity in respect of any transaction carried on—
- (a) between Charities; or
  - (b) where a Charity is acquiring the land from a person or body corporate who is not Charity.
- (3) No duty is payable on an application for compulsory first registration of title to any land if the deed inducing registration, any associated charge and all other relevant deeds have been registered in the Deeds Registry prior to the application being made in the Land Registry and the required duty was paid at the time the deeds were registered.

- (4) No duty is payable in respect of an application by a body mentioned in section 24A(4) (first registration of land of public bodies) of the Act for first registration of the body's title to land made in compliance with a direction of the Council of Ministers under paragraph (1) of that section.

## **PART 4 – FIXED FEES CHARGED BY THE DEEDS AND PROBATE REGISTRIES**

### **15 Fixed fees charged by the Deeds and Probate Registries**

- (1) Schedule 2 has effect for determining fixed fees payable for other services carried on by the Deeds and Probate registries.
- (2) The fees in Schedule 2 are subject to the exemptions set out in article 16.

### **16 Exemptions from fixed fees charged by the Deeds and Probate Registries**

- (1) No fee in Schedule 2 is payable by a Government Department or Charity.
- (2) Inspection, copies, retrieval fees (as referred to in Schedule 2) are not payable by Committees of Tynwald and its branches and Members of Tynwald acting (by implied self-declaration into which the Registrar shall not enquire) in the performance of their public duties.

## **PART 5 – FIXED FEES CHARGED BY THE LAND REGISTRY**

### **17 Fixed fees charged by the Land Registry**

- (1) Schedule 3 has effect for determining fixed fees payable for other services carried on by the Land Registry.
- (2) The fees in Schedule 3 are subject to the exemptions set out in article 18.
- (3) Where there is no prescribed fee under this Part, the fee payable in respect of any other application or service provided by the Land Registry is £75.00.

### **18 Exemptions from fixed fees charged by the Land Registry**

- (1) Inspection, copies, and searches fees (as referred to in Schedule 3) are not payable by Committees of Tynwald and its branches and Members of Tynwald acting (by implied self-declaration into which the Registrar shall not enquire) in the performance of their public duties.
- (2) No fee is payable under this Part to cancel a caution, inhibition or restriction if the application is part of –
  - (a) a first registration of title application; or

- (b) an application creating a new title out of an existing registered title.
- (3) No fee is payable by a Government Department or Charity for any matter specified in Schedule 3 in Parts 1 to 4 (inclusive).

## **PART 6 – GENERAL**

### **19 Payment for applications in the Land Registry**

- (1) This article only applies to duties levied against transactions carried on by the Land Registry where such duty is charged against applications.
- (2) If the amount of a fee is ascertainable at the time of the application, it must be paid on presentation of the application.
- (3) If the amount of a fee is not ascertainable at the time of the presentation —
  - (a) such amount as the Registrar may direct (either generally or in the particular case) must be paid on presentation of the application on account of the fee; and
  - (b) the balance must be paid within 21 days starting on the date of notification of the amount due by the Registrar to —
    - (i) the person or the person’s advocate; or
    - (ii) the body corporate or its advocate.
- (4) If the amount paid under sub-paragraph (3)(a) exceeds the amount of the fee due, the Registrar must, as soon as practicable after the due amount is ascertained, refund the balance.
- (5) If an application is rejected in accordance with the Rules the Registrar must refund any sum paid on account of the fee, less the costs already incurred by the Registrar in connection with the examination of title, enquiries, notices, surveying, mapping or other work involved, subject to a minimum fee of £75.00.
- (6) The Registrar may make arrangements for the maintenance of a credit account for the payment of fees in respect of any applications made.

### **20 Method of payment**

A fee or duty payable under this Order must be paid in cash, by cheque or by postal order in favour of “Isle of Man Government” or by electronic bank transfer (EPOS, BACS or CHAPS) or by any other means that the Registrar may permit.

**21 Revocations**

- (1) The Land Registration General Fees and Duty Order 2019<sup>3</sup> is revoked.
- (2) The Deeds and Probate Registries (Fees and Duty) Order 2019<sup>4</sup> is revoked.
- (3) The Land Registration Fixed Fees Order 2019<sup>5</sup> is revoked.

**MADE 6 MARCH 2023**

**DR ALEX ALLINSON**  
*Minister for the Treasury*

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<sup>3</sup> SD 2019/0230

<sup>4</sup> SD 2019/0231.

<sup>5</sup> SD 2019/0229.



## SCHEDULE 1

[article 8]

## PART 1 – OWNER OCCUPIER DUTIES

Column a (duty)	Column b (applicable rate)
£0.00	For each £1,000.00 of value up to and including £230,000.00;
£10.00	For each £1,000.00 of value exceeding £230,000.00 and up to and including £500,000.00;
£20.00	For each £1,000.00 of value exceeding £500,000.00 and up to £1,000,000.00; or
£250.00	Minimum duty

## PART 2 – NON-OWNER OCCUPIER DUTIES

Column a (duty)	Column b (applicable rate)
£20.00	For each £1,000.00 of value up to and including £3,000,000.00;
£25.00	For each £1,000.00 of value exceeding £3,000,000.00; or
£250.00	Minimum duty

## PART 3 – DUTIES FOR NON-RESIDENTS

Column a (duty)	Column b (applicable rate)
£40.00	For each £1,000.00 of value up to and including £3,000,000.00;
£45.00	For each £1,000.00 of value exceeding £3,000,000.00; or
£250.00	Minimum duty

## SCHEDULE 2

[article 15]

## PART 1 – FIXED FEES PAYABLE IN THE DEEDS AND PROBATE REGISTRIES

No.	Nature of service	Fee
1	Any deed of mortgage, bond and security or any deed creating any lien or charge (including Government Grant and top-up loan)	£50.00
2	When land is conveyed to a beneficiary from the estate of a deceased person, whether directly from the deceased's estate to the beneficiary or out of a trust established by the deceased's estate to the beneficiary	£120.00
3	Any deed of appointment of new trustee, any copy of a Will, letters of administration, memorial, affidavit, receipt for legacy or share of estate, power of attorney, any other similar document or registering any document in the Deeds Registry not otherwise specified	£50.00
4	If any document is tendered for registration and enrolment or recording in more than one parish, for each additional parish	£5.00
5	Any release or receipt to cancel, in whole or in part, any mortgage, deed of bond and security, charge, lien or other encumbrance	£50.00
6	A certificate of cancellation	£12.00
7	Filing any document in the Probate Registry	£12.00
8	Certificate of filing any document in the Probate Registry	£12.00
9	For making any minute required to be made on any document	£5.00
10	Duplicate certificate of registration	£5.00
11	For a print-out of a scanned deed or document	£6.00
12	Inspection of documents, per deed or document	£4.00
13	Retrieval of original document from storage after scanning (excepted where retrieval is required by the Registrar)	£50.00
14	Affixing the Seal Public of the Isle of Man, or a seal of office to a Commission, to any paper or proceeding (per document)	£40.00
15	An affidavit, affirmation, declaration or attestation taken before a public officer	£10.00
16	Witnessing each exhibit to an affidavit, affirmation, declaration or attestation taken before a public officer	£6.00
17	Certification of a copy	£6.00

## PART 2 – ONLINE SERVICES

No.	Nature of service	Fee
18	Online copy – per deed	£3.00

## PART 3 – PHOTOCOPYING CHARGES

No.	Nature of service	Paper size	Fee
19	For making a black and white photocopy of a document held in the Deeds or Probate Registry, for each page	A4	£0.50
		A3	£1.50
		Over A3	£4.50
20	For making a colour photocopy of a document held in the Deeds or Probate Registry, for each page	A4	£1.50
		A3	£6.50



		Over A3	£15.00
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**PART 4 – FIXED FEES FOR CERTAIN TRANSACTIONS**

<b>No</b>	<b>Nature of transaction</b>	<b>Fee</b>
1	There is an assurance by way of gift between spouses or civil partners relating to a residential property that the spouses or civil partners or their advocate declares is or will be their sole residential property worldwide and will be occupied exclusively by them and their household.	£250.00
2	A disposition is effected by way of an Order under the Matrimonial Proceedings Act 2003 or the Civil Partnership Act 2011 effecting a conveyance or release of a legal interest in a residential property owned by the parties to the marriage or civil partnership which is being dissolved.	£250.00
3	A couple in an intimate personal relationship have decided to separate having previously purchased a residential property and duly registered the transaction in the Deeds Registry where the separation results in one party purchasing the other's legal interest in the property.	£250.00

## SCHEDULE 3

[article 17]

## PART 1 – FIXED FEES FOR CERTAIN TRANSACTIONS

No	Nature of transaction	Fee
1	There is an assurance by way of gift between spouses or civil partners relating to a residential property that the spouses or civil partners or their advocate declares is or will be their sole residential property worldwide and will be occupied exclusively by them and their household.	£250.00
2	A disposition is effected by way of an Order under the Matrimonial Proceedings Act 2003 or the Civil Partnership Act 2011 effecting a conveyance or release of a legal interest in a residential property owned by the parties to the marriage or civil partnership that is being dissolved.	£250.00
3	A couple in an intimate personal relationship have decided to separate having previously purchased a residential property and duly registered the land where the separation results in one party purchasing the other's legal interest in the land.	£250.00
4	For a voluntary first registration where the deed has already been registered in the Deeds Registry.	£75.00

## PART 2 – REGISTRATION AND RELATED MATTERS

No	Nature of service	Fee
1	To register a charge (including Government Grant and top-up loan)	£50.00
2	To discharge or release a registered charge	£50.00
3	To register an assent, a transmission of registered land to a personal representative on death, or to a trustee in bankruptcy	£120.00
4	A change of name, address or description of a registered owner or other person (other than a Chargee) referred to in the title register, including the name of a joint owner deceased, or any change in the description of registered land and changes to a service address	£0.00
5	Issuing a summons under the seal or stamp of the Land Registry or issuing an order of the Registrar or the Land Commissioner	£120.00
6	To register or modify an inhibition, restriction or other entry in the title register for which no other provision is made	£50.00
7	To cancel an inhibition or restriction	£50.00
8	To register, modify or cancel any appurtenant right or burden	£120.00
9	To close or partly close a registered leasehold title or rent-charge title	£50.00
10	To convert a title from one class to another	£120.00
11	For first registration of title to a rent-charge	£120.00
12	An application to divide or amalgamate registered freehold titles, for each affected title	£120.00
13	To enter or remove a caution requiring notice of an application for first registration of land or a caution against registered dispositions, for each parcel of land	£25.00
14	An application to the Registrar to extend time for first compulsory registration: for initial application	£150.00

	for each subsequent application	£50.00
15	To rectify the register	£75.00
16	To register a title acquired by adverse possession (possessory title) (NB - in addition to value based duty prescribed under Part 3)	£75.00
17	Resignation and Appointment of a new trustee/trustees of a settlement	£50.00
18	Transfer of a registered charge (per affected title)	£50.00
19	Application to settle and enter on the title register as conclusive the boundaries between lands or any part of lands under section 59(2) of the Act	£120.00
20	Application to decide any question as to the boundaries or extent of registered land under section 59(5) of the Act	£120.00

### PART 3 – INSPECTION, COPIES AND SEARCHES

No	Nature of service	Fee
21	For an office copy of the title register (including the filed plan but excluding any other plan or document forming part of the title register)	£6.50
22	For any other plan or document forming part of an office copy of the title register, for each plan or document: up to size A3 size A3 and above	£6.50
23	For a printed copy of a caution against first registration, or of an entry in the index of pending applications	£6.50
24	For an official search of the title register (for each title)	£6.50
25	For an official search of the index map (for each area of land in respect of which the search is made)	£6.50
26	For a priority search of the title register	£10.00
27	For a search of the index of names (for each name)	£6.50
28	Retrieval of original documents from storage after conclusion of registration (excepted where retrieval is required by the Registrar)	£50.00

### PART 4 – ONLINE SERVICES

No	Nature of service	Fee
29	for an office copy of the title register	£6.50

### PART 5 – PHOTOCOPYING CHARGES

No	Nature of service	Paper size	Fee
30	For making a black and white photocopy of a document held in the Land Registry, for each page	A4	£0.50
		A3	£1.50
		over A3	£4.50
31	For making a colour photocopy of a document held in the Land Registry, for each page	A4	£1.50
		A3	£6.50
		over A3	£15.00

### PART 6 – APPEALS

No	Nature of service	Fee
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32	To lodge an appeal under section 6 of the Act	£150.00
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