



STATUTORY INSTRUMENTS.

S.I. No. 380 of 2012



LAND REGISTRATION (FEES) ORDER 2012

LAND REGISTRATION (FEES) ORDER 2012

I, ALAN SHATTER, Minister for Justice and Equality, in exercise of the powers conferred on me by section 21(1) of the Registration of Deeds and Title Act 2006 (No. 12 of 2006) (as adapted by the Justice and Law Reform (Alteration of Name of Department and Title of Minister) Order 2011) (S.I. No. 138 of 2011)), and with the consent of the Minister for Public Expenditure and Reform, hereby order as follows:

1. (1) This Order may be cited as the Land Registration (Fees) Order 2012.
- (2) This Order shall come into operation on 1st December, 2012.
2. The following Orders are hereby revoked:
 - (a) Land Registration (Fees) Order, 1999 (S.I. No. 343 of 1999);
 - (b) Land Registration (Fees Relating to Discharges Lodged by Electronic Means) Order 2009 (S.I. No. 52 of 2009);
 - (c) Land Registration (Fees) Order 2009 (S.I. No. 425 of 2009).
3. In this Order:

“Act of 1964” means the Registration of Title Act, 1964;

“account holder” means a person authorised by the Authority to maintain an account with the Authority for the purpose of payment of fees payable to the Authority where the application for services in the Land Registry is made by such electronic manner as the Authority shall approve;

“Authority” means the Property Registration Authority established under section 9 of the Registration of Deeds and Title Act 2006;

“instrument” means an instrument within the meaning of section 3 (inserted by section 127 of the Land and Conveyancing Law Reform Act 2009 (No. 27 of 2009)) of the Act of 1964, grounding an application under which an entry or entries in a register have been made, and which has been retained in the Land Registry;

“record” includes the following which may be in paper form or electronic form or partly in one form and partly in the other form:

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 5th October, 2012.*

- (a) a closed folio of a register or a folio for which a revised folio of a register has been substituted or the record thereof maintained in the Land Registry;
- (b) a registry map for which the Authority has caused a new map to be prepared and substituted or the record thereof maintained in the Land Registry;

“Rules” means the Land Registration Rules 1972 to 2011;

“scheme map” means a map or plan in a form acceptable to the Authority setting out the boundaries to five or more sites, where each such site is intended to be or may be the subject of an application for separate registration by way of transfer or lease;

“site” includes—

- (a) a part of a building the boundaries of which are set out on a plan, floor plan or drawing of a level of that building,
- (b) a space at, under or over ground level;

“transfer” includes a lease of registered land executed on or after 26 May 2006;

“value” in the case of an application for registration of a transfer on sale, means—

- (a) where the transfer is a lease, the amount of the money consideration, including any rent reserved during the period of one year immediately following the commencement of the lease, expressed in the transfer (or, where the property transferred includes unregistered property, the amount of the money consideration attributable, in the opinion of the Authority, to the registered property), including the consideration for goodwill, together with the amount of any registered money charge, subject to which the property is transferred,
- (b) where the transfer is not a lease, the amount of the money consideration expressed in the transfer (or, where the property transferred includes unregistered property, the amount of the money consideration attributable, in the opinion of the Authority, to the registered property), including the consideration for goodwill, together with the amount of any registered money charge, subject to which the property is transferred.

4. (1) The fee to be charged and taken by the Authority for a service provided in the Land Registry shall be the fee specified in column (3) of the Schedule opposite the mention of the service or matter specified in column (2) of the Schedule.

(2) Subject to paragraph (3), the fees referred to in paragraph (1) shall be payable—

- (a) in cash,
- (b) by means of banker's draft, money order, postal order, credit transfer, credit card, debit card, cheque drawn to the order of the Authority, or
- (c) in such other manner as may be approved by the Authority,

provided that the Authority may decline to accept payment, or may suspend receipt of payments, by any one or other of the methods referred to in paragraphs (b) and (c).

(3) The fee payable in respect of the matter specified in column (2) of the Schedule opposite the mention of item number 27 in column (1) of the Schedule may be paid by the retention by the Authority of such fees from any sum of money which would otherwise be liable to be refunded by the Authority in respect of the matter concerned.

(4) Where an application for registration of a transfer under section 90 (inserted by section 63 of the Registration of Deeds and Title Act 2006 (No. 12 of 2006)) of the Act of 1964 and an application for registration of the instrument by which the right of the transferor to be registered as owner of the land has devolved are lodged at the same time, the fee payable shall be—

- (a) the greater of the fee specified in column (3) of the Schedule at reference number (1) of the Schedule or the fee payable for registration of the instrument, or
- (b) if the fees referred to in paragraph (a) are equal, an amount equal to one of the fees.

5. No registration shall be made and no other transaction shall be done or completed until—

- (a) the appropriate fee has been paid to the Authority under Article 4, or
- (b) the Authority is satisfied that arrangements for the payment of the appropriate fee in accordance with Article 4 have been made.

6. Where, on a transfer on sale, the whole or part of the purchase money is secured by way of a charge or lien for unpaid purchase money, the fee chargeable in respect of the transfer shall be determined by reference to the full amount of the purchase money.

7. Where a transfer, will or assent creates a charge (otherwise than in respect of the repayment of moneys advanced) or a burden on the property transferred, devised or vested by the assent, as the case may be, or where a transfer or assent and an instrument creating a charge (otherwise than in respect of the repayment of moneys advanced) or a burden are lodged at the same time, no fee shall be chargeable in respect of the registration of such charge or burden.

8. No fee shall be chargeable in respect of an application for—

- (a) the registration of the ownership of a charge on the register of the property charged where such registration is made at the time of registering the charge as a burden;
- (b) the conversion, on the initiative of the Authority, of a title under section 50 of the Act of 1964;
- (c) the registration of the ownership of a registered burden on the transfer of such burden, where the application is made at the same time as the application for the registration of the ownership of the transferee;
- (d) registration by a Minister of the Government or the Commissioners of Public Works in Ireland where it is certified to the satisfaction of the Authority that the fee would otherwise be payable solely out of moneys provided by the Oireachtas;
- (e) the registration of the ownership of a lease dated prior to 26 May 2006 where such registration is made under Rule 123(2) of the Rules;
- (f) the cancellation of an entry of a charge on the register of the property charged where such application—
 - (i) is lodged by electronic means in a manner approved by, and
 - (ii) complies with the requirements specified by, the Authority.

9. Nothing in this Order shall authorise the charging of a fee for any registration or transaction that is required by statutory enactment to be made or done free of charge.

10. (1) The Authority may, for the purposes specified in paragraph (3), make arrangements with an account holder for the establishment and maintenance of an account with the Authority.

(2) The Authority may, with reasonable cause, suspend or vary any or all arrangements in relation to an account referred to in paragraph (1).

(3) Each account referred to in paragraph (1) shall be subject to such terms and conditions which may be imposed by the Authority from time to time as the Authority considers appropriate.

(4) The Authority may, from time to time, designate certain of the items specified in the Schedule as being items the fee in respect of which may be paid for by deduction of the amount of the fee payable from an account referred to in paragraph (1).

(5) An account holder shall, in relation to an account referred to in paragraph (1), authorise, in such form as the Authority may direct, the Authority to debit from the account the amount of the fee payable in respect of each service designated by the Authority under paragraph (4) and provided by the Authority at the request of the account holder.

(6) The Authority shall not be required to accept a request to debit an amount from any account referred to in paragraph (1) where the amount concerned exceeds the credit balance on the account.

(7) Every account referred to in paragraph (1) shall be subject to the condition that responsibility for the maintenance of a credit balance on the account remains the responsibility of the account holder.

Schedule

(1)	(2)	(3)
Item Reference Number	Description of Service or Matter	Fee
1.	Application for registration of a transfer on sale where the value of the consideration is:	
	not in excess of €50,000	€400
	in excess of €50,000 and not in excess of €200,000	€600
	in excess of €200,000 and not in excess of €400,000	€700
	in excess of €400,000	€800
2.	Application for registration of a Deed of Exchange:	
	(a) where there is no monetary consideration passing other than the transfer of the land the subject of the Deed of Exchange or where the consideration passing, other than the transfer of the land the subject of the Deed of Exchange, is not in excess of €50,000	€400
	(b) where the monetary consideration passing, other than the transfer of the land the subject of the Deed of Exchange, is in excess of €50,000 and not in excess of €200,000	€600
	(c) where the monetary consideration passing, other than the transfer of the land the subject of the Deed of Exchange, is in excess of €200,000 and not in excess of €400,000	€700
	(d) where the monetary consideration passing, other than the transfer of the land the subject of the Deed of Exchange, is in excess of €400,000	€800
3.	Application for first registration of title certified in Form 3 pursuant to Rule 19(3) or Rule 19(4) of the Rules.	€130
4.	Application for first registration other than an application in Form 3 of the Rules.	€500
5.	Application for registration of part of the property described in a folio of the register (in addition to the fee specified at Items No's. 1, 2 and 9) where the registration requires the opening of a new folio on the register	€75
6.	Application for the registration of a lease dated prior to 26 May 2006 as a burden	€130
7.	Application for the registration of an order made under section 17(2) of the Nursing Homes Support Scheme Act 2009 (No. 15 of 2009)	€40
8.	Application for registration of a vesting certificate issued under section 22 of the Landlord and Tenant (Ground Rents) (No. 2) Act, 1978	€40
9.	Application for registration of a voluntary transfer	€130
10.	Application for registration of a charge or a judgment mortgage	€175

(1)	(2)	(3)
Item Reference Number	Description of Service or Matter	Fee
11.	Application for registration of a shared ownership lease under the Housing (Miscellaneous Provisions) Act, 1992	€130
12.	Application for registration of a transfer order under section 90 of the Housing Act, 1966	€130
13.	Application for registration of a transfer order under Part 3 of the Housing (Miscellaneous Provisions) Act 2009	€130
14.	Application for registration of ownership of a dwelling purchased under affordable dwelling purchase arrangements under— (a) Part V of the Planning and Development Act 2000, (b) Part 2 of the Housing (Miscellaneous Provisions) Act 2002, or (c) Part 5 of the Housing (Miscellaneous Provisions) Act 2009	€130
15.	Application for registration of— (a) an apartment complex transfer order, (b) an apartment transfer order, or (c) an apartment assignment order, under Part 4 of the Housing (Miscellaneous Provisions) Act 2009	€130
16.	Application for registration of a transfer or termination consequential on lapse of a designation under Part 4 of the Housing (Miscellaneous Provisions) Act 2009	€130
17.	Application for registration of transmission on death	€130
18.	(a) Application for registration of ownership under section 49 of the Act of 1964	€130
	(b) Application for registration of easements or <i>profits à prendre</i> under section 49A of the Act of 1964	€130
19.	Application for registration of any other matter not specified at items numbered 1 to 18 of this Schedule, or otherwise specified in this Schedule	€40
20.	Approval of a Scheme Map by the Authority—	
	(a) where the Scheme Map is lodged in electronic form	€130
	(b) where the approval of the Scheme Map is the first such approval in respect of a particular folio of the register and the map is lodged in paper-based form	€300
	(c) where the approval is a revision of a Scheme Map lodged in either electronic or paper-based form where the map was previously approved by the Authority	€50
21.	Online search of the registry map held in electronic form subject to such conditions as may be imposed by the Authority.	Nil
22.	Provision of electronic extract from the registry map within the limits set by the Authority	€120 plus €5 per folio/map extract provided
23.	Search of a name in the names index	€5
24.	Inspection of each folio or instrument or of one or more folios arising from the result of a search of a names index or an index of plans under item 21	€5

(1)	(2)	(3)
Item Reference Number	Description of Service or Matter	Fee
25.	Inspection of any record not specified at items numbered 21, 22, 23 and 24 above	€10
26.	Attendance of an officer of the Authority to produce in court any document in the custody of the Authority	€120 in respect of each day of officer's attendance in addition to travel and subsistence expenses as actually incurred
27.	Abandonment, refusal or withdrawal of an application for registration	€50 or such lesser sum as may have been paid in respect of fees relating to the application for registration
28.	Fee in respect of making any note or entry or certificate or providing any other service (other than an application for registration for which no fee is prescribed)	€40

The Minister for Public Expenditure and Reform consents to the making of the foregoing Order.



GIVEN under my Official Seal,
17 September 2012.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
28 September 2012.

ALAN SHATTER,
Minister for Justice and Equality.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHAIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€3.05

