

No. 29 of 2011.

*St Kitts (Planned Community)
(Amendment) Act, 2011.*

Saint Christopher
and Nevis.

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Amendment to section 2 of the Act.
4. Amendment to section 33 of the Act.

I assent,



CUTHBERT M SEBASTIAN
Governor-General

26th October 2011

SAINT CHRISTOPHER AND NEVIS

No. 29 of 2011

AN ACT to amend the St Kitts (Planned Community) Act, No. 21 of 2008.

[Published 26th October 2011 Extra Ordinary Gazette No. 56 of 2011]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

1. Short title.

This Act may be cited as the St Kitts (Planned Community) (Amendment) Act, 2011.

2. Interpretation.

In this Act, unless the context otherwise requires, Act means the St Kitts (Planned Community) Act, No. 21 of 2008.

3. Amendment to section 2 of the Act.

The Act is amended in section 2 thereof by inserting immediately after the definition of the word "special declarant rights" the following new definitions:

"Time share Act" means the Saint Christopher and Nevis Vacation Plan and Time-Share Act, No. 34 of 2005";

"time-share interest" has the meaning ascribed to that term in the Time-Share Act";

"time-share project" has the meaning ascribed to that term in the Time-share

4. Amendment to section 33 of the Act.

The Act is amended in section 33 thereof by inserting immediately after subsection (3) thereof the following new subsections:

"(4) Notwithstanding the provisions of section 7.(1) of the Condominium Act, Cap. 10.03, or section 54.(3) of the Time-Share Act, with respect to a condominium or

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time-share project within a planned community, the provisions of subsections (6) and (7) of section 10 of this Act shall govern the amendment of the declaration creating such condominium or time-share project, and the term lot owners for such purpose shall be deemed to include condominium owners and time-share interest holders.

(5) The provisions of sections 14.(2)(g) and 43 of the Condominium Act shall not apply to any condominium or time-share project within a planned community during the period in which a declarant is in control as set forth in the condominium declaration.

(6) Notwithstanding the provisions of section 15 (1) of the Condominium Act, with respect to a condominium, including a time-share project, within a planned community, the condominium declaration or by-laws shall provide for the membership of the board members of the condominium corporation.

(7) Notwithstanding the provisions of section 23.(1) of the Condominium Act or section 54.(4) of the Time-Share Act, with respect to a condominium or time-share project within a planned community, the corporation or owners' association, as the case may be, may adopt and amend the by-laws and the rules governing the use of common property as set forth in the declaration.

(8) Notwithstanding anything to the contrary in the Condominium Act or the Time-Share Act, with respect to a condominium or time-share project within a planned community, the declaration creating such condominium or time-share project may provide for a period of declarant control of the corporation or owners' association, as the case may be, for a period of time set forth in the declaration, during which period a declarant, or persons designated by the declarant, may appoint and remove the officers and members of the board.

(9) The declarant shall include the duration of the declarant control period provided for pursuant to the provisions of subsection (8) in all of the purchase agreements for the sale of condominium units or time-share interests within the condominium or time-share project, respectively.

(10) The provisions of section 40 of the Condominium Act shall not apply to a condominium or proposed condominium within a planned community or to the declarant or proposed declarant, provided that

- (a) the declarant or proposed declarant for the condominium or proposed condominium or its parent company has issued a company guaranty with respect to money received by or on behalf of a proposed declarant from purchasers on account of sales or agreements for the purchase and sale of proposed units for residential purposes before the registration of the declaration and description;
- (b) the guarantor has a net worth in excess of seventy five million Eastern Caribbean Dollars; and
- (c) the purchase and sales contracts are irrevocable, except in the case where the declarant or proposed declarant defaults on its or their obligations under the agreement.

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(11) The provisions of sections 30, 31, and 32 of the Time-Share Act shall not apply to a time-share project within a planned community or to its developing owner, provided that

- (a) the developing owner for the time-share project or its parent company has issued a company guaranty with respect to the proceeds of all on-site sales of time - share interests received by or on behalf of the developing owner; and
- (b) the guarantor has a net worth in excess of seventy five million Eastern Caribbean Dollars.

(12) The provisions of subsection (b) of the Second Schedule to the Time-Share Act shall not apply to time-share projects within a community

CURTIS A MARTIN
Speaker

Passed by the National Assembly this 30th day of September 2011.

JOSÉ LLOYD
Clerk of the National Assembly