

Strata Titles (Amendment) Act 2014

**REPUBLIC OF VANUATU
STRATA TITLES (AMENDMENT) ACT NO. 38 OF 2014**

Arrangement of Sections

**REPUBLIC OF VANUATU
Assent: 19/12/2014
Commencement: 15/01/2015
STRATA TITLES (AMENDMENT) ACT NO. 38 OF 2014**

An Act to amend the [Strata Titles Act](#) [CAP 266].

Be it enacted by the President and Parliament as follows-

1 Amendment

The [Strata Titles Act](#) [CAP 266] is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE
AMENDMENTS OF THE STRATA TITLES ACT [CAP 266]

1 Section 1 (Definition of “resolution without dissent”)

Repeal the definition.

2 Section 1 (Definition of strata plan)

After “lots” (second occurring), insert “or common property”

3 After section 1B

Insert

“1C Registration of a strata plan to subdivide building into lots and common property

To avoid doubt, sections 1A and 1B do not prevent the registration after the commencement of the Strata Titles (Amendment) Act No. 8 of 2013 of a strata plan to subdivide a building into lots and common property.

1D Resubdivision of lots of a registered strata plan

To avoid doubt, sections 1A and 1B do not prevent the registration after the commencement of the Strata Titles (Amendment) Act No. 8 of 2013 of a strata plan of resubdivision in respect of a lot or lots created by the registration of a strata plan

registered before the commencement of the Strata Titles (Amendment) Act No. 8 of 2013.”

4 After subsection 2(1)

Insert

“(1A) If a proprietor of a lot:

(a) in a rural area sells that lot, the proprietor must pay to the lessor, 10% of the difference in amount between the market value of the lot at the time it was purchased and the market value of the lot at the time of the present sale, unless the lessor and lessee have entered into other arrangements;

(b) in an urban area sells that lot, the proprietor must pay to the lessor, 5% of the difference in amount between the market value of the lot at the time it was purchased and the market value of the lot at the time of the present sale.

(1B) If a proprietor of a lot (that has never been previously sold) in a rural area or urban area, sells that lot, the proprietor must pay to the lessor 5% of the market value of the lot at the time of the sale.”

5 Subsection 3(8)

(a) Delete “such lots” (second occurring), substitute “the lots created by it”;

(b) After “resubdivision” (third occurring), insert “out of the lots subdivided by the plan of resubdivision”.

6 Subsections 11(1), 12(4), 13(1) and paragraphs 19(1)(a), 21(2)(a) and 22(1)(a)
Delete “resolution without dissent”, substitute “special resolution”

7 Paragraph 11(2)(b), 12(5)(b) and 13(2)(b)
After “persons” (first occurring), insert “other than the proprietors,”

8 At the end of section 11
Add

“(12) The proprietors by special resolution may create and register a strata plan of resubdivision in respect of common property to create a new lot or lots and to change the common property.”

9 Subsection 14(3)
Delete “and Schedule 2”, substitute “in the Regulations”

10 After section 23
Insert

“23A. Power of refusal by the Director

(1) The Director must exercise the power to refuse to proceed with any registration if the requirements or any act to be performed under this Act is not complied with.

(2) The Director is to provide a notice in writing of his or her intention to withhold the registration stating the reasons and setting out the requirement to be performed by the applicant.

23B Appeals on decisions of the Director

(1) A person may make an appeal to a Court on a decision of the Director under this Act, within 6 months from being notified of that decision.

(2) The Court may, in determining an appeal under subsection (1), confirm, quash or vary the decision as it thinks fit.

(3) A person may not make an appeal under subsection (1) if the decision of the Director was made according to a decision of a Court.”