

STRATA TITLES REGISTRATION ACT

CHAPTER 56:52

Act
25 of 1971
Amended by
19 of 1980

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FIRST SCHEDULE.

SECOND SCHEDULE.

CHAPTER 56:52

STRATA TITLES REGISTRATION ACT

25 of 1971. **AN ACT to facilitate the subdivision of land in strata and the disposition of titles therein and for matters incidental thereto or connected therewith.**

Commencement. [21st October 1971]

Short title. **1. This Act may be cited as the –
STRATA TITLES REGISTRATION ACT.**

Interpretation.
[19 of 1980]. **2. In this Act –**
“building” means the building or buildings shown in a strata plan;
“common property” means, in relation to any strata plan, so much of the land to which such plan relates as is for the time being not included in any strata lot contained in such plan;
“the corporation” means, in relation to any registered strata plan, the body incorporated by section 4;
“the Court” means the High Court;
“Minister” means the Minister responsible for Legal Affairs;
“executive committee” means executive committee of the corporation constituted under the First Schedule;
First Schedule. “parcel” means land subdivided in accordance with a strata plan registered pursuant to section 3;
“proprietor” means the proprietor for the time being of a strata lot;
“strata lot” means a portion of land comprised in a strata plan, and shown in that plan as a strata lot;
“strata plan” means the plan referred to in section 7;
“unanimous resolution” means a resolution unanimously passed at a duly convened meeting of the corporation at which all persons entitled to exercise the power of voting conferred by or under this Act are present personally or by proxy at the time of the motion;
“unit entitlement” means, in relation to any strata lot, the number specified in accordance with section 7(1)(b)

3. (1) Land under the operation of the Title by Registration Act may be subdivided into strata lots in accordance with a strata plan registered by the Registrar of Titles in the manner provided by or under this Act. Subdivision into strata lots. Ch. 56:50.

(2) When a strata plan has been so registered any strata lot included therein may devolve or be transferred, leased, mortgaged or otherwise dealt with in the same manner and form as land under the operation of the Title by Registration Act.

(3) A strata plan shall, for the purposes of the Title by Registration Act, be deemed upon registration to be embodied in the Register kept under that Act and notwithstanding the provisions of that Act the proprietor of each strata lot shall hold such strata lot and his share in the common property subject to –

- (a) any interests affecting such strata lot or such share; and
- (b) any amendments to strata lots or common property notified, or shown, as the case may require, on the registered strata plan.

(4) Notwithstanding the provision in subsection (1) that only land under the operation of the Title by Registration Act may be subdivided into strata lots, a strata plan may be lodged for registration, and acts preparatory to the registration thereof may be done in relation thereto, before the land comprised therein is brought under the operation of the Title by Registration Act.

(5) The provisions of any other enactment relating to the subdivision of land for sale or for the purpose of building thereon shall to such extent as may be prescribed by Regulations under this Act not apply to land comprised in a strata plan.

4. (1) The proprietors of all the strata lots contained in any strata plan shall, upon registration of the strata plan, become a body corporate (hereafter referred to as “the corporation”) under the name “The Proprietors, Strata Plan No. . . .” (with the appropriate number of the strata plan inserted in the blank space). The corporation.

(2) The corporation shall have perpetual succession and a common seal and be capable of suing and being sued in its name.

(3) The provisions of any enactment providing for the incorporation, regulation and winding-up of companies shall not apply to the corporation.

Duties and powers of the corporation.

5. (1) The duties of the corporation shall include the following:
- (a) to insure and keep insured the building to the replacement value thereof against fire, earthquake, hurricane and such other risks as may be prescribed unless the proprietors by unanimous resolution otherwise determine;
 - (b) to effect such insurance as it may be required by law to effect;
 - (c) to ensure against such risks other than those referred to elsewhere in this subsection as the proprietors may from time to time by unanimous resolution determine;
 - (d) subject to the provisions of section 14 and to such conditions as may be prescribed, to apply insurance moneys received by it in respect of damage to the building in rebuilding and reinstating the building so far as it may be lawful to do so;
 - (e) to pay premiums on any policies of insurance effected by it;
 - (f) to keep in a state of good and serviceable repair and properly maintain the common property;
 - (g) to comply with notices or orders by any competent public or local authority requiring repairs to, or work to be done in respect of, the parcel;
 - (h) to comply with any reasonable request for the names and addresses of the members of the executive committee.
- (2) The powers of the corporation include the following:
- (a) to establish a fund for administrative expenses sufficient in the opinion of the corporation for the control, management and administration of the common property, for the payment of any premiums of insurance and for the discharge of any of its other obligations;
 - (b) to determine from time to time the amounts to be raised for the fund referred to in paragraph (a) and to raise amounts so determined by levying contributions on the proprietors in proportion to the unit entitlement of their respective lots;

(c) to recover from any proprietor, by an action for debt in any court of competent jurisdiction, any sum of money expended by the corporation for repairs to or work done by it or at its direction in complying with any notice or order by a competent public or local authority in respect of that portion of the building which constitutes or includes the strata lot of that proprietor;

(d) to enter any strata lot and effect repairs or carry out work pursuant to its duty under subsection (1)(g).

(3) Subject to the provisions of subsection (4), any contribution levied pursuant to subsection (2) shall be due and payable on the passing of a resolution to that effect and in accordance with the terms of the resolution, and may be recovered as a debt by the corporation in an action in any court of competent jurisdiction from the proprietor entitled at the time when the resolution was passed and from the proprietor entitled at the time when the action was instituted, both jointly and severally.

(4) The corporation shall, on the application of a proprietor or any person authorised in writing by him, certify –

(a) the amount of any contribution determined as the contribution of that proprietor;

(b) the manner in which the contribution is payable;

(c) the extent to which the contribution has been paid by that proprietor,

and, in favour of any person dealing with that proprietor, the certificate shall be conclusive evidence of the matters certified therein.

(5) A policy of insurance authorised by this section and in respect of the building shall not be liable to be brought into contribution with any other policy of insurance save another policy authorised by this section in respect of the same building.

6. (1) The corporation shall cause to be kept at a conspicuous place at or near the front of the land to which the relevant strata plan relates a receptacle suitable for purposes of postal delivery, with the name of the corporation clearly shown thereon.

Service of documents on the corporation.

(2) Any summons, notice, order or other document may be served on the corporation by post in a registered letter addressed to the

corporation at the address shown on the strata plan, or by placing it in the receptacle referred to in subsection (1).

Requirements of
a strata plan.

7. (1) Every strata plan shall –

- (a) have a title or heading in which it is described as a strata plan;
- (b) show the whole or any part of the land comprised therein as being divided into two or more strata, whether or not any of the strata is divided into two or more strata lots;
- (c) delineate the external surface boundaries of the parcel and the location of the building in relation thereto;
- (d) bear a statement containing such particulars as may be necessary to identify the title to the parcel;
- (e) include a drawing illustrating the strata lots and distinguishing the strata lots by numbers or other symbols;
- (f) define the boundaries of each strata lot in the building by reference to floors, walls and ceilings, so, however, that it shall not be necessary to show any bearing or dimensions of a strata lot;
- (g) show the approximate floor area of each strata lot;
- (h) have endorsed upon it a schedule specifying in whole numbers the unit entitlement of each strata lot and a number equal to the aggregate unit entitlement of all the strata lots;
- (i) have endorsed upon it the address at which documents may be served on the corporation;
- (j) contain such other particulars as may be prescribed.

(2) A strata plan which is lodged for registration shall be accompanied by such certificate and other documents as may be prescribed.

(3) The common boundary of any two strata lots or of a strata lot and common property shall, unless otherwise specified in the relevant strata plan, be the centre of the floor, wall or ceiling between the strata lots or between the strata lot and common property, as the case may be.

(4) The unit entitlement of each strata lot shall, as respects the

- (a) the quantum of his undivided share in the common property; and
- (b) the proportion payable by him of contributions levied pursuant to section 5(2).

8. (1) In respect of every strata lot there shall be implied – Easements.

- (a) in favour of the proprietor thereof, and as appurtenant thereto –
 - (i) an easement for the subjacent and lateral support thereof, by the common property and by every other strata lot capable of affording support thereto;
 - (ii) easements for the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air, and other services (including telephone, radio and television services) through or by means of pipes, wires, cables or ducts for the time being existing in the land to which the relevant registered strata plan relates, to the extent to which the pipes, wires, cables or ducts are capable of being used in connection with the enjoyment of the strata lot;
- (b) as against the proprietor thereof and to which it shall be subject –
 - (i) an easement for the subjacent and lateral support of the common property and of every other strata lot capable of enjoying support from the strata lot;
 - (ii) easements for the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air, and other services (including telephone, radio and television services) through or by means of any pipes, wires, cables or ducts for the time being existing within the strata lot, as appurtenant to the common property and to every other strata lot capable of enjoying such easements.

(2) The proprietor of a strata lot shall be entitled to have his strata lot sheltered by all such parts of the building as are capable of

(3) The right created by subsection (2) shall be an easement to which the aforesaid parts of the building shall be subject and the easement shall entitle the proprietor of the dominant tenement to enter on the servient tenement to replace, renew or restore any shelter.

(4) All ancillary rights and obligations reasonably necessary to make any easement effective shall apply in relation to easements implied or created by this section.

By-laws.

9. (1) Subject to the provisions of this Act the control, management, administration, use and enjoyment of the strata lots and the common property contained in every strata plan shall be regulated by by-laws.

(2) The by-laws shall include –

First Schedule.

(a) the by-laws set forth in the First Schedule, which shall not be amended or varied except by unanimous resolution;

Second
Schedule.

(b) the by-laws set forth in the Second Schedule, which may be amended or varied by the corporation.

(3) Until by-laws are made by the corporation in that behalf the by-laws set forth in the First Schedule and the Second Schedule shall as and from the registration of a strata plan be in force for all purposes in relation to the parcel and the strata lots and common property therein.

(4) No by-law shall operate to prohibit or restrict the devolution of strata lots or any transfer, lease, mortgage or other dealing therewith or to destroy or modify any easement implied or created by this Act.

(5) No amendment or variation of any by-law shall have effect until the corporation has lodged with the Registrar of Titles a notification thereof in such form as may be prescribed and until the Registrar of Titles notifies the corporation that he has made reference thereto on the relevant registered strata plan.

(6) The corporation shall on the application of a proprietor or any person authorised in writing by him make available for inspection the by-laws for the time being in force.

(7) The by-laws for the time being in force shall bind the corporation and the proprietors to the same extent as if the by-laws had respectively been signed and sealed by the corporation and each proprietor and contained covenants on the part of the corporation with

each proprietor and on the part of each proprietor with every other proprietor and with the corporation to observe and perform all the provisions of the by-laws.

(8) Any proprietor infringing any by-law made under this Act is liable on summary conviction to a fine of five hundred dollars for each day the offence continues.

10. (1) The common property shall be held by the proprietors as tenants in common in shares proportional to the unit entitlement of their respective strata lots. Ownership of common property.

(2) The Registrar of Titles shall, in making out a certificate of title for any strata lot, certify therein the proprietor's share in the common property.

(3) Save as is provided in this Act, no share in the common property shall be disposed of except as appurtenant to a strata lot and any assurance of a strata lot shall operate to assure the share of the disposing party in the common property without express reference thereto.

11. (1) The proprietors may by unanimous resolution direct the corporation to transfer or lease the common property or any part thereof. Disposition of common property.

(2) If the corporation is satisfied that the resolution was duly passed and that all persons having interest, of which the corporation has notice in the parcel have consented in writing to the release of those interests in the land comprised in the proposed transfer or lease or, in the case of a lease, have approved in writing of the execution of the lease, the corporation shall execute the appropriate transfer or lease and the transfer or lease shall be valid and effective without execution by any person having an interest in the common property, and the receipt of the corporation for the purchase money, rent or other money payable to the corporation under the terms of the transfer or lease shall be a sufficient discharge and shall exonerate all persons taking under the transfer, or the lease, as the case may be, from any responsibility for the application of the moneys expressed to have been received.

(3) Every such transfer or lease lodged for registration shall be endorsed with or accompanied by a certificate under the seal of the corporation that the resolution referred to in subsection (1) was duly passed, that the transfer or lease conforms with the terms thereof and that all necessary consents were given and the certificate shall, in favour of purchasers of the common property and in favour of the Registrar of Titles be conclusive evidence of the facts stated therein.

(4) Any person who issues any certificate under subsection (3) recklessly, or knowing that it is false in any material particular is liable on summary conviction to a fine of three thousand dollars and to imprisonment for six months.

Creation of easements and covenants.

12. (1) The proprietors may by unanimous resolution direct the corporation –

- (a) to execute on their behalf a grant of easement or a restrictive covenant burdening the parcel;
- (b) to accept on their behalf a grant of easement or a restrictive covenant benefiting the parcel.

(2) If the corporation is satisfied that the resolution was duly passed and that all persons having interest, of which the corporation has notice, in the parcel have consented in writing to the release of those interests in respect of the land comprised in the proposed disposition the corporation shall execute the appropriate transfer or covenant, and the transfer or covenant shall be valid and effective without execution by any person having an interest in the parcel, and the receipt of the corporation for any money payable to it under the terms of the transfer shall be a sufficient discharge and shall exonerate all persons taking under the transfer from any responsibility for the application of the moneys expressed to have been so received.

(3) Every such transfer or covenant lodged for registration shall be endorsed with or accompanied by a certificate under the seal of the corporation that the resolution referred to in subsection (1) was duly passed and that all necessary consents were given, and the certificate shall, in favour of persons dealing with the corporation pursuant to this section and in favour of the Registrar of Titles, be conclusive evidence of the facts stated therein.

(4) Any person who issues any certificate under subsection (3) recklessly or knowing that it is false in any material particular is liable on summary conviction to a fine of three thousand dollars and to imprisonment for six months.

Appointment of an administrator.

13. (1) The corporation or any person having an interest in a strata lot may apply to the Court for appointment of an administrator.

(2) The Court may in its discretion on cause shown appoint an administrator for an indefinite period or for a fixed period on such terms and conditions as to remuneration or otherwise as it thinks fit. The

remuneration and expenses of the administrator shall be an administrative expense within the meaning of this Act.

(3) The administrator shall, to the exclusion of the corporation, have the duties and powers of the corporation or such of those duties and powers as the Court shall order.

(4) The administrator may delegate any of the powers vested in him by virtue of subsection (3).

(5) The Court may in its discretion on the application of the administrator or any person referred to in subsection (1) remove or replace the administrator.

(6) On any application made under this section the Court may make such order for the payment of costs as it thinks fit.

14. (1) Where the building is destroyed –

Destruction of the building.

(a) the corporation shall forthwith lodge with the Registrar of Titles, in such form as may be prescribed, a notification of the destruction;

(b) the Registrar of Titles shall, upon receipt of the notification, make, in such form as may be prescribed, an entry thereof on the registered strata plan; and thereafter;

(c) the proprietors of all the strata lots contained in the strata plan shall be entitled to the parcel as tenants in common in shares proportional to the unit entitlement of their respective strata lots and the provisions of sections 11 and 12 shall apply in relation to the transfer or lease of the parcel and to the creation of any easement or restrictive covenant burdening or benefiting it.

(2) For the purposes of this Act, the building referred to in subsection (1) is destroyed –

(a) when the proprietors by unanimous resolution so resolve; or

(b) when the Court is satisfied that having regard to the rights and interests of the proprietors as a whole it is just and equitable that the building shall be deemed to have been destroyed and makes a declaration to that effect.

(3) In any case where a declaration has been made pursuant to subsection (2)(b), the Court may by order impose such conditions and

give such directions (including directions for the payment of money) as it thinks fit for the purpose of adjusting, as between the corporation and the proprietors and as amongst the proprietors themselves, the effect of the declaration.

(4) An application for a declaration under subsection (2)(b) may be made to the Court by the corporation or by a proprietor or by a registered mortgagee of a strata lot.

(5) On any application to the Court for a declaration under subsection (2) any insurer who has effected insurance on the building or on any part thereof (being insurance against destruction of strata lots or damage to the building) shall have the right to appear in person or by counsel.

(6) The Court may, on the application of the corporation or any member thereof or of the administrator, by order make provision for the winding-up of the affairs of the corporation and may, by the same or a subsequent order, declare the corporation dissolved as on and from a date specified in the order.

(7) On any application under this section the Court may make such order for the payment of costs as it thinks fit.

(8) The Court may from time to time vary any order made by it under subsection (3) or subsection (7).

Voting rights.

15. (1) Any powers of voting conferred by or under this Act may be exercised –

- (a) in the case of a proprietor who is an infant, by his guardian;
- (b) in the case of a proprietor who is for any other reason unable to control his property, by the person who for the time being is authorised by law to control that property.

(2) Where the Court upon the application of the corporation or of any proprietor is satisfied that there is no person able to vote in respect of a strata lot the Court –

- ~~(a) shall, in cases where a unanimous resolution is required by this Act; and~~
- (b) may in its discretion in any other case,

appoint some fit and proper person for the purpose of exercising the powers of voting under this Act on the strata lot concerned, and the

Court may in making the appointment make such order and give such direction as it thinks necessary or expedient to give effect to the appointment, including an order as to the payment of costs of the application, and may vary any order so made.

(3) The Court may order service of notice of the application referred to in subsection (2) on such person as it thinks fit or may dispense with service of the notice.

16. The Minister may make Regulations generally for the proper carrying out of the purposes and provisions of this Act, and in particular, but without prejudice to the generality of the foregoing, may make Regulations – Regulations.

- (a) as to the manner and form of registering strata plans;
- (b) providing for the amendment of registered strata plans;
- (c) prescribing the manner of registering transfers and leases of common property;
- (d) providing for cases where the building is damaged but is not destroyed;
- (e) providing for the insurance of strata lots by the proprietors thereof;
- (f) providing for the voting rights of mortgagees of strata lots;
- (g) prescribing the fees to be paid for anything required or permitted to be done under this Act;
- (h) prescribing any other matter or anything which may be, or is required by this Act to be prescribed.

17. Provision may be made by rules of Court as to the practice and procedure to be followed in relation to applications which may be made to the Court under this Act. Rules of court.

18. If there is failure to comply with any notice, order or request referred to in section 5(1)(g) or (h), or with any requirement of section 5(2) or section 5(3) or section 5(3)(a), the proprietor and every member thereof who is knowingly a party to the failure is liable on summary conviction to a fine of one thousand five hundred dollars or to imprisonment for six months. Offences.

FIRST SCHEDULE**PROPRIETORS****1. A proprietor shall –**

- (a) permit the corporation and its agents at all reasonable times on notice (except in case of emergency when no notice shall be required) to enter his strata lot for the purpose of inspecting it and maintaining, repairing or renewing pipes, wires, cables and ducts for the time being existing in the strata lot and capable of being used in connection with the enjoyment of any other strata lot or common property, or for the purpose of maintaining, repairing or renewing common property, or for the purpose of ensuring that the by-laws are being observed;
- (b) pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his strata lot;
- (c) repair and maintain his strata lot, and keep it in a state of good repair, reasonable wear and tear, and damage by fire, storm, tempest or act of God excepted;
- (d) use and enjoy the common property in such a manner as not unreasonably to interfere with the use and enjoyment thereof by other proprietors or their families or visitors;
- (e) not use his strata lot or permit it to be used in such manner or for such purpose as shall cause a nuisance or hazard to the occupier of any other strata lot (whether a proprietor or not) or the family of such occupier;
- (f) notify the corporation forthwith upon any change of ownership or of any mortgage or other dealing in connection with his strata lot.

THE CORPORATION**2. The corporation shall –**

- (a) control, manage and administer the common property for the benefit of all proprietors;
- (b) keep in a state of good and serviceable repair and properly maintain the fixtures and fittings (including elevators) used in connection with the common property;
- (c) where practicable establish and maintain suitable lawns and gardens on the common property;

- (d) maintain and repair (including renewal where reasonably necessary) pipes, wires, cables and ducts for the time being existing in the parcel and capable of being used in connection with the enjoyment of more than one strata lot or common property;
- (e) on the written request of the proprietor, or registered mortgagee of a strata lot, produce to the proprietor or mortgagee, or any person authorised in writing by the proprietor or mortgagee, the policy or policies of insurance effected by the corporation, and the receipt or receipts for the last premiums in respect thereof.

3. The corporation may –

- (a) purchase, hire or otherwise acquire personal property for use by proprietors in connection with their enjoyment of common property;
- (b) borrow moneys required by it with the approval of the general meeting, in the performance of those duties or the exercise of those powers approved in general meeting;
- (c) secure the repayment of moneys borrowed by it, and the payment of interest thereon, by negotiable instrument, or mortgage of unpaid contribution (whether levied or not), or mortgage of any property vested in it, or by combination of those means;
- (d) invest as it may determine any moneys in the fund for administrative expenses in securities approved at a general meeting;
- (e) make an agreement with the proprietor or occupier of any strata lot for the provision of amenities or services by it to the strata lot or to the proprietor or occupier thereof;
- (f) do all things reasonably necessary for the enforcement of the by-laws and the control, management and administration of the common property.

GENERAL MEETINGS

4. A general meeting of proprietors shall be held within three months after registration of the strata plan.

5. Subsequent general meetings (hereafter referred to as annual general meetings) shall be held once in each year:

Provided that not more than fifteen months shall elapse between the date of one annual general meeting and that of the next.

6. All general meetings other than the annual general meetings shall be called extraordinary general meetings.

7. The corporation may whenever it thinks fit and shall upon a requisition in writing made by proprietors entitled to twenty-five per cent of the total unit entitlement of the strata lots convene an extraordinary general meeting.

8. Seven days' notice of every general meeting specifying the place, the date and the hour of meeting and, in case of special business, the general nature of the business, shall be given to all proprietors and registered first mortgagees who have notified their interest to the corporation but accidental omission to give the notice to any proprietor or to any registered first mortgagee or non-receipt of the notice by any proprietor shall not invalidate any proceedings at any such meeting.

9. All business shall be deemed special that is transacted at an annual general meeting with the exception of the consideration of accounts, or at an extraordinary general meeting.

10. Save as is in these by-laws otherwise provided, no business shall be transacted at any general meeting unless a quorum of persons entitled to vote is present at the time when the meeting proceeds to business. One half of the persons entitled to vote present in person or by proxy shall constitute a quorum.

11. If within half an hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time and if at the adjourned meeting, a quorum is not present within half an hour from the time appointed for the meeting the persons entitled to vote present shall be a quorum.

12. At the commencement of a general meeting, a chairman of the meeting shall be elected.

THE EXECUTIVE COMMITTEE

13. There shall be an executive committee of the corporation which shall, subject to any restriction imposed or direction given at a general meeting, exercise the powers and perform the duties of the corporation.

14. The executive committee shall consist of not less than three nor more than nine proprietors and shall be elected at the first general meeting of the corporation and thereafter at each annual general meeting:

Provided that where there are not more than three proprietors the executive committee shall consist of all the proprietors.

15. Except where the executive committee consists of all the proprietors, the corporation may by resolution at an extraordinary general meeting remove any member of the executive committee before the expiration of his term of office and appoint another proprietor in his place to hold office until the next annual general meeting.

16. Any casual vacancy on the executive committee may be filled by the remaining members thereof.

17. The quorum of the executive committee shall be such number as the committee may fix from time to time, being not less than one-half the number of members thereof.

18. At the commencement of each meeting the executive committee shall elect a chairman for the meeting, and if any chairman so elected vacates the chair during the meeting the executive committee shall elect in his stead another chairman.

19. At meetings of the executive committee all matters shall be determined by simple majority vote and the chairman shall, in addition to an original vote, have a casting vote in any case in which the voting is equal.

20. Subject to the provisions of these by-laws, the executive committee shall have power to regulate its own procedure.

21. The executive committee may –

- (a) employ and dismiss for and on behalf of the corporation a Secretary/Treasurer and such agents and servants as it thinks fit in connection with the control, management and administration of the common property and the exercise and performance of the powers and duties of the corporation;
- (b) subject to any restriction imposed or direction given at a general meeting, delegate to one or more of its members such of its powers and duties as it thinks fit, and may at any time revoke such delegation;
- (c) allot duties and responsibilities to the Secretary/Treasurer, the agents and servants of the corporation.

22. The executive committee shall –

- (a) see that minutes of its meetings are kept by the Secretary/Treasurer;
- (b) cause proper books of account to be kept in respect of all moneys received and spent by it by the Secretary/Treasurer.

- (c) prepare proper accounts relating to all moneys of the corporation, and the income and expenditure thereof, for each annual general meeting;
- (d) on the application of a proprietor or a mortgagee, of any person authorised in writing by either of them, make the books of account available for inspection at all reasonable times.

23. The validity of the proceedings of the executive committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

VOTING

24. At any general meeting a resolution by the vote of the meeting shall be decided on a show of hands unless a poll is demanded by any proprietor present in person or by proxy. Unless a poll is so demanded a declaration by the chairman that a resolution has on the show of hands been carried shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution. A demand for a poll may be withdrawn.

25. A poll if demanded shall be taken in such manner as the chairman thinks fit and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

26. In the case of equality in the votes whether on a show of hands or on a poll the chairman of the meeting shall be entitled to a casting vote in addition to his original vote.

27. On a show of hands each proprietor shall have one vote; on a poll the votes of proprietors shall correspond with the unit entitlement of their respective strata lots.

28. On a show of hands or on a poll, votes may be given either personally or by proxy.

29. An instrument appointing a proxy shall be in writing under the hand of the proprietor or his attorney, and may be either general or for a particular meeting. A proxy need not be a proprietor.

30. Except in cases where by or under the Act a unanimous resolution is required, no proprietor shall be entitled to vote at any general meeting unless all contributions payable in respect of his strata lot have been duly paid.

31. Co-proprietors may vote by proxy jointly appointed by them, and in the absence of such proxy shall not be entitled to vote on a show of hands, except when the unanimous resolution of proprietors is required by the Act; but any one co-proprietor may demand a poll. On any poll the co-proprietor shall be entitled to such part of the vote applicable to a strata lot as is proportionate to his interest in the strata lot. The joint proxy (if any) on a poll shall have a vote proportionate to the interests in the strata lot of such of the joint proprietors as do not vote personally or by individual proxy.

32. Where proprietors are entitled to successive interest in a strata lot, the proprietor entitled to the first interest shall alone be entitled to vote, whether on a show of hands or a poll; and this by-law shall be applicable whether by the Act the unanimous resolution of proprietors is required or not.

33. Where a proprietor holds his strata lot as a trustee, he shall exercise the voting rights in respect of the strata lot to the exclusion of persons beneficially interested in the trust, and such persons shall not vote.

USE OF COMMON SEAL

34. The corporation shall at the first general meeting held after registration of the strata plan, and may from time to time, at subsequent general meetings, determine how the common seal of the corporation shall be used.

SECOND SCHEDULE

(Section 9).

1. A proprietor shall not –

- (a) use his strata lot for any purpose which may be illegal or injurious to the reputation of the building;
- (b) make undue noise in or about any strata lot or common property;
or
- (c) keep any animals on his strata lot or the common property after notice in that behalf from the executive committee.

2. When the purpose for which a strata lot is intended to be used is shown expressly or by necessary implication on or by the registered strata plan, the proprietor of the strata lot shall not use it or permit it to be used for any other purpose.

SUBSIDIARY LEGISLATION**STRATA TITLES REGISTRATION REGULATIONS****ARRANGEMENT OF REGULATIONS**

REGULATION

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SCHEDULE.

SUBSIDIARY LEGISLATION

STRATA TITLES REGISTRATION REGULATIONS 15/1991.

made under section 16

[4th April 1991]

Commencement.

1. These Regulations may be cited as the – Short title.

STRATA TITLES REGISTRATION REGULATIONS.
2. In these Regulations “Registrar” means the Registrar of Titles. Interpretation.
3. The Registrar shall keep a register of strata plans and shall record therein particulars of all strata plans lodged in his office for registration pursuant to the Act. Register of strata plans.
4. (1) Every strata plan lodged in the office of the Registrar for registration – Mode of preparation and composition of strata plan.
 - (a) shall be prepared on one side of water-marked tub-sized azure laid ledger paper containing not less than sixty per cent rag fibre and being of not less substance than 113 grammes per square metre (50 pounds per 500 sheets of double demy (20 inches x 31 inches)) and not less bursting strength than 50 pounds per square inch (with a tolerance of twenty per cent); the paper shall not be creased and shall be free from discolouration or blemishes, shall measure 15½ inches in length by 10 inches in width and shall have clear margins on the face of each sheet of not less than 1½ inches on the left-hand side and not less than ½ an inch on the right-hand side, at the top and at the bottom:
 - (b) shall comprise –
 - (i) a first sheet in the form prescribed as Form 1 in the Schedule (using annexures thereto where necessary) on which shall be set out the matters Form 1. Schedule.

prescribed by section 7(1)(c), (d), (h) and (i) of the Act; and

(ii) further sheets containing the particulars required by section 7(1)(e), (f), (g) and (i) of the Act.

(2) Each further sheet of a strata plan shall be endorsed in the top right-hand corner – “sheet of sheets”.

(3) The diagram prescribed by section 7(1)(c) of the Act shall be drawn with the north point directed upwards and shall be to a scale which will admit of all details and notations being clearly shown and such diagram shall show offsets in any case where part of the building is within six feet of a boundary of the parcel but no other dimensions shall be necessary. The external surface boundaries of the parcel shown in any such diagram shall, if the Registrar of Titles so requires, be defined by a plan of survey prepared in accordance with the Land Survey Act.

Ch. 53:04.

(4) Any floor plan prepared for the purposes of section 7(1)(f) of the Act shall be drawn with the north point directed upwards and shall be of a size which will admit of all details and notations being clearly shown.

(5) The strata lots shall be numbered consecutively, commencing with strata lot 1 and terminating with a strata lot numbered to correspond to the total number of strata lots comprised in the strata plan. Different parts of a building which constitute a single strata lot shall bear the same strata lot number.

Schedule.

(6) The Schedule specifying the unit entitlement of each strata lot pursuant to section 7(1)(h) of the Act shall include on the right-hand side a column of not less than $1\frac{1}{2}$ inches in width to enable insertion of references to the certificate of title in respect of each strata lot in the strata plan, and the vertical interval between items in such Schedule shall be not less than $\frac{3}{10}$ inches.

(7) Typewriting may be used if the characters are typed with a dense black non-copying record ink and the lines of typewriting do not overlap. A carbon copy, or a copy in which the typewritten characters blur or spread or are liable to mark or damage an adjacent sheet shall not be indged.

(8) Handwriting shall be clear and legible and in permanent black non-copying ink.

(9) Printing, writing or drawing shall not extend into any margin.

(10) Alterations shall be made by striking through the matter intended to be rejected and not by rubbing, scraping or cutting the surface of the paper.

5. Every Strata plan lodged for registration shall be endorsed with or accompanied by a certificate –

Certificates required to be endorsed on or accompany strata plan.
Ch. 53:04.

(a) of a land surveyor commissioned under the Land Survey Act, that the building shown on the strata plan is within the external surface boundaries of the parcel, and where eaves or guttering project beyond such external boundaries, that an appropriate easement has been granted as an appurtenance of the parcel; where such certificate is not endorsed on the strata plan it shall be in the form of Form 2 in the Schedule;

Form 2.
Schedule.

(b) of the Development and Planning Corporation, (if the parcel is in an area to which a development order under the Town and Country Planning Act, applies) that permission to carry out development of the kind shown in such strata plan has been granted.

17 of 1975.

6. Every application for registration of a strata plan shall indicate the name and postal address of the registered proprietor (or, where at the time of such application the land comprised in the strata plan is not under the operation of the Title by Registration Act, the name and address of the person in whose name the certificate of title is to be issued) and of the party by whom the plan is lodged and shall be produced by delivery to the proper officer at the office of the Registrar accompanied by the duplicate certificate of title, if any, for the parcel.

Form of application.

Ch. 56:50.

7. Registration of a strata plan shall be effected by notifying under the seal of the office of the Registrar on the first sheet thereof the fact and date of such registration.

Registration of strata plan.

8. The Registrar shall endorse on the certificate of title issued for each strata lot in a strata plan a notification that by virtue of the provisions of the Title by Registration Act, the proprietor holds his lot and his share in the common property subject to any interests affecting the same for the time being notified on the registered strata plan and subject to any amendments to strata lots or common property shown on that plan.

Endorsement of notification under the Title by Registration Act on certificate of title.
Ch. 56:50.

Alteration of registered strata plan.

9. The Registrar, after such enquiry and notices, if any, as he may consider proper and upon the production of such evidence and the compliance with such requests, if any, as he may think necessary to require or make, may –

- (a) number or re-number any strata lots in a registered strata plan;
- (b) supply omissions and correct patent errors in a registered strata plan;
- (c) amend a registered strata plan in such other manner as he may think proper.

Instruments to comply with regulation 4.

10. Every instrument other than the certificates referred to in regulation 5 lodged with the Registrar for the purposes of the Act or these Regulations, shall comply with the requirements specified in regulation 4(1)(a), (7), (8), (9) and (10).

Form of certificate under the seal of the corporation. Schedule. Form 3. Form 4.

11. A certificate under the seal of a corporation –

- (a) pursuant to section 11(3) of the Act shall be in the form or to the effect of Form 3 in the Schedule; and
- (b) pursuant to section 12(3) of the Act shall be in the form or to the effect of Form 4 in the Schedule.

Form of notification of destruction of building. Schedule. Form 5.

12. A notification of destruction of a building given by a corporation pursuant to section 14(1)(a) of the Act shall be in the form or to the effect of Form 5 in the Schedule.

Form of notification pursuant to section 9(5) of the Act. Schedule. Form 6.

13. A notification given by a corporation pursuant to section 9(5) of the Act shall be in the form or to the effect of Form 6 in the Schedule.

Order of court administrator and order made pursuant to regulation 25 may be lodged with Registrar

14. (1) Any person appointed as administrator pursuant to section 13 of the Act may lodge with the Registrar an office copy of the order of the Court making such appointment.

(2) A corporation may lodge with the Registrar an office copy of an order made by the Court pursuant to regulation 25.

(3) On receipt of any such office copy the Registrar shall endorse on the relevant registered strata plan a notification referring thereto, containing such particulars as appear to the Registrar to be necessary, and signed by him.

15. (1) The Registrar shall register a transfer pursuant to section 11 of the Act by issuing to the transferee a certificate of title for the land transferred.

Registration of transfer.

(2) Where a parcel is transferred by the corporation after the building is destroyed the proprietor shall surrender to the Registrar their duplicate certificates of title for cancellation and the Registrar, after cancelling the certificates of title relating to the strata lots, shall register the transfer by issuing to the transferee a certificate of title for the land transferred.

16. The Registrar shall register a lease pursuant to section 11 of the Act by noting it on the registered strata plan in the manner prescribed by regulation 18.

Registration of lease.

17. The Registrar shall register the instrument creating an easement or restrictive covenant pursuant to section 12 of the Act by noting the same on the registered strata plan.

Registration of easement or restrictive covenant.

18. On lodgment of an instrument executed by the corporation pursuant to section 11, 12 or 14 of the Act there shall be endorsed on the relevant registered strata plan a memorial stating the nature of the instrument and such other particulars as appear to the Registrar to be necessary, and such memorial shall be signed by the Registrar.

Endorsement on registered strata plan of nature of instrument.

19. On lodgment at the office of the Registrar of a plan of sub-division of common property comprised in a registered strata plan it shall not be necessary to produce to the Registrar the certificates of title for the strata lots comprised in such registered strata plan.

Plan sub-division of common property comprised in registered strata plan.

20. Upon receipt of a notice in or to the effect of Form 5 in the Schedule the Registrar shall endorse on the relevant registered strata plan a notification of the destruction of the building and of the vesting of the parcel in the proprietors. The notification shall contain such particulars as appear to the Registrar to be necessary and shall be signed by him.

Endorsement of notification of destruction on strata plan. Schedule. Form 5.

Cancellation of registered strata plan.

21. Where a parcel has been transferred by the corporation after the building is destroyed the Registrar –

- (a) shall enter on the relevant registered strata plan a notification of the cancellation thereof; and
- (b) shall indicate by appropriate charting upon any relevant plan that such registered strata plan has been cancelled.

Endorsement of notification of amendment of By-laws on strata plan. Schedule. Form 6.

22. Upon receipt of a notification in or to the effect of Form 6 in the Schedule the Registrar shall endorse on the relevant registered strata plan a memorial of such notification. The memorial shall contain such particulars as appear to the Registrar to be necessary, and shall be signed by him.

Exercise of power of voting.

23. Where a proprietor's interest is subject to a registered mortgage and the mortgagee has given written notice of his mortgage to the corporation, any power of voting conferred on a proprietor by or under the Act –

- (a) shall not in any case where a unanimous resolution is required, be exercised by the proprietor but shall be exercised by the mortgagee first entitled in priority;
- (b) may in any other case other than that referred to in paragraph (a) be exercised by the mortgagee first entitled in priority, and shall not be exercised by the proprietor when such mortgagee is present personally or by proxy.

Policy of insurance may be effected by proprietor in respect of any damage to his strata lot.

24. (1) Where a building is insured to its replacement value a proprietor may effect a policy of insurance in respect of any damage to his strata lot in a sum equal to the amount secured, at the date of any loss referred to in such policy, by mortgages charged upon his strata lot.

(2) Where any such policy of insurance is in force, then, subject to the terms and conditions of the policy, the insurer shall be liable to pay thereunder to the mortgagees whose interests are noted thereon, in order of their respective properties –

- (a) the value stated in such policy; or
- (b) the amount of the loss; or
- (c) the amount sufficient, at the date of the loss, to discharge mortgages charged upon the strata lot,

whichever is the least amount.

(3) Where the amount paid by an insurer in accordance with subregulation (2) is sufficient to discharge a mortgage charged upon the strata lot the insurer shall be entitled to a transfer of that mortgage.

(4) Where the amount paid by an insurer in accordance with subregulation (2) is less than the amount necessary to discharge a mortgage charged upon the strata lot the insurer shall be entitled to an assignment of an interest (to the extent of the amount paid by him) in such mortgage to secure the amount so paid on such terms and conditions, if any, as were agreed upon under subregulation (7) or, failing agreement, on the same terms and conditions as those contained in the mortgage by the proprietor.

(5) Where a building is uninsured, or has been insured to less than its replacement value, a proprietor may –

- (a) effect a policy of insurance in respect of any damage to his strata lot in a sum equal to the replacement value of his strata lot less any amount for which his strata lot is insured under any policy of insurance effected on the building;
- (b) notwithstanding any existing policies, effect a policy of insurance in respect of damage to his strata lot in a sum equal to the amount secured, at the date of any loss referred to in such policy, by mortgages charged upon his lot, and the provisions of subregulations (2), (3) and (4) shall apply in respect of any payment pursuant to such policy as they apply to a policy effected pursuant to subregulation (1).

(6) For the purposes of subregulation (5) the amount for which a strata lot is insured under a policy of insurance effected in respect of the building shall be determined by multiplying the value stated in such policy by the unit entitlement of the strata lot and dividing the product so obtained by the sum of the unit entitlements of all strata lots.

(7) For the purposes of subregulations (4) and (5)(b) any insurer and mortgagee or mortgagees may at any time, whether before or after a policy of insurance has been effected by a proprietor, agree upon the terms and conditions of the assignment of interest.

(8) Nothing in this regulation limits the right of a proprietor to insure against risks other than damage to his strata lot.

(9) The policy of insurance authorised by this regulation and taken out by a proprietor in respect of damage to his strata lot shall not

be liable to be brought into contribution with any other policy of insurance save another policy authorised by this regulation and taken out in respect of damage to the same strata lot.

Order by court to settle a scheme for damage to buildings.

25. (1) Where the building is damaged but is not destroyed within the meaning of section 14(2) of the Act, the Court may by order settle a scheme, including provisions –

- (a) for the reinstatement in whole or in part of the building;
- (b) for transfer of the interests of proprietors of strata lots which have been wholly or partially destroyed to the other proprietors in proportion of their unit entitlement.

(2) In exercise of its powers under this regulation, the Court may make such orders as it thinks necessary or expedient for giving effect to the scheme, including orders –

- (a) directing the application of insurance moneys received by the corporation in respect of damage to the building;
- (b) directing payment of money by the corporation or by proprietors or by some one or more of them;
- (c) directing such amendment of the strata plan as the Court thinks fit, so as to include in the common property any accretion thereto;
- (d) imposing such terms and conditions as it thinks fit.

(3) For the purposes of this regulation an application may be made to the Court by a corporation or by a proprietor or by a registered mortgagee of a strata lot.

(4) On any application to the Court under this regulation any insurer who has effected insurance on the building or any part thereof (being insurance against destruction of strata lots or damage to the building) shall have the right to appear in person or by counsel.

(5) The Court may from time to time vary any order made by it under this regulation.

(Regulation
5(a)).

FORM 2

SURVEYOR'S CERTIFICATE

STRATA TITLES REGISTRATION ACT

Description of parcel

I, of
a surveyor commissioned under the Land Survey Act, hereby certify that –

- (1) the building erected on the parcel described above is within the external boundaries of the parcel * subject to clause (2) of this certificate;
- * (2) eaves or guttering of the building project beyond such external boundaries and an appropriate easement has been granted as an appurtenance of the parcel by registered Transfer No.....

Dated

Signature

(Regulation
11(a)).

FORM 3

CERTIFICATE OF A CORPORATION

STRATA TITLES REGISTRATION ACT

In pursuance of the provisions of the Strata Titles Registration Act, the proprietors of Strata Plan No..... hereby certify that the proprietors of the strata lots in the said strata plan by unanimous resolution duly passed, directed the said corporation to execute the instrument hereunder recited and that all persons having registered interests in the parcel and all other persons having interests (other than statutory interests) which have been notified to the corporation have consented in writing to the release of those interests in respect of the land comprised in such instrument and that such instrument conforms with the terms of the aforesaid resolution.

instrument + transfer (or as the case may be) dated

.....
(Brief description of the land disposed of)

*Omit if inappropriate.

Insert a description of the nature and date of the instrument and the names of the parties thereto.

(Regulations 12 and 20).

FORM 5

NOTIFICATION OF DESTRUCTION OF BUILDING

STRATA TITLES REGISTRATION ACT

In pursuance of section 14(1)(a) of the Strata Titles Registration Act, the proprietors of Strata Plan No. hereby certify that the building illustrated on the said strata plan has been destroyed.

Attached hereto is + a certified copy of the unanimous resolution of the proprietors pursuant to section 14(2)(a) of the said Act.

+An office copy of the declaration made by the Court pursuant to section 14(2)(b) of the said Act.

The common seal of the proprietors, Strata Plan No..... was hereto affixed on

in the presence of:

.....

.....

(Members of Executive Committee)

(Regulations 13 and 22).

FORM 6

NOTIFICATION OF AMENDMENT OR VARIATION OF BY-LAWS

STRATA TITLES REGISTRATION ACT

In pursuance of section 9 of the Strata Titles Registration Act, the proprietors – Strata Plan No..... unanimously passed the following resolution:

(Set out resolution)

The common seal of the proprietors, Strata Plan No..... was hereto affixed on the.....

in the presence of:

.....

.....

(Members of Executive Committee)

Note: Delete the word “unanimously” if not applicable.

+ Delete whichever is inappropriate.