

STRATA TITLES REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title
2. Interpretation
3. Registrar to keep register
4. Strata plans
5. Particulars of name addresses, etc
6. How registration to be effected
7. Amendment of strata plans
8. Endorsement of certificates
9. Form of certificates
10. Corporation certificates
11. Form of notification of destruction
12. Form of notification of amendment of by-laws
13. Lodgement of order of court appointing administrator
14. Action by Registrar on notification of destruction
15. Transfer after destruction
16. Action by Registrar on amendment of by-law
17. Insurance
18. Court's power where building damaged
19. Voting by chargee
20. Fees to be paid to Registrar

SCHEDULE:

Forms

- 1–3 Strata Plan
- 4 Surveyors certificate
- 5 Planning and Development Authority Certificate
- 6–7 Certificate of Corporation
- 8 Notification of destruction of building
- 9 Notification of amendment or variation of by-laws

STRATA TITLES REGULATIONS – SECTION 34

(Gazette Notice 31/1984 and Legal Notice 51/1986)

Made by the Governor under section 34 of the Strata Titles Ordinance

Commencement

[9 March 1984]

Short title

1. These Regulations may be cited as the Strata Titles Regulations.

Interpretation

2. In these Regulations—

“form” means a form in the Schedule hereto;

“Ordinance” means the Strata Titles Ordinance;

“section” means a section of the Ordinance.

Registrar to keep register

3. The Registrar shall keep a register of strata plans and shall record therein particulars of all strata plans lodged in the Registry.

Strata plans

4. Every strata plan lodged with the Registrar for registration shall comply with the following requirements—

(a) it shall be prepared on the appropriate forms prescribed in the Schedule and issued by the Registrar unless the Registrar permits otherwise;

(b) it shall comprise—

(i) a first sheet in the form prescribed as form 1, (using annexures thereto where necessary) on which shall be set out the matters prescribed by paragraphs (a), (b), (c), and (d) of section 7(1); and

(ii) a further sheet in the form prescribed as form 2, (using annexures thereto where necessary) on which shall be set out the matters prescribed by paragraphs (e) and (f) of section 7(1);

(c) each further sheet of a strata plan shall be endorsed in the top right hand corner—

“Sheet (No) of (total No.) sheets”;

(d) the drawing or drawings required by paragraph (e) of section 7(1) shall be drawn to a natural scale which will admit of all details and notations being clearly shown and such drawings shall show offsets in any case

where part of the building is within six feet of a boundary of a parcel but no other dimensions shall be necessary. The external surface boundaries of the parcel shown in any such drawings shall, if the Registrar so requires, be defined by precise survey in accordance with the Land Survey Ordinance and all regulations made thereunder;

- (e) floor plans and elevations prepared for the purpose of paragraph (e) of section 7(1) shall be drawn with the north point upwards and parallel to the sides of the form and shall be of a size which will admit of all details and notations being clearly shown;
- (f) the strata lots shall be numbered consecutively, commencing with strata lot 1 and terminating with 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;
- (g) printing, writing or drawing shall be clear and legible in black waterproof ink and shall not extend into any margin;
- (h) alterations shall be made by striking through the matter intended to be rejected and not by rubbing, scraping, covering or cutting the surface of the paper.

Particulars of name addresses etc

5. Every application for registration of a strata plan shall indicate the name and postal address of the registered proprietor and of the party by whom the plan is lodged and shall be produced by hand to the Registrar accompanied by the prescribed fee and by the Land Certificate, if issued.

How registration to be effected

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

Amendment of strata plans

7. 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.

Endorsement of certificates

8. The Registrar shall endorse a land certificate issued for a strata lot in a strata plan, a notification that by virtue of the provisions of the Ordinance the proprietor holds his lot and his share in the common property subject to any interest 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 the plan.

Form of certificates

9. The certificates given pursuant to section 7(1)(i) shall be in or to the effect of form 4 for the certificate by a licensed surveyor and form 5 for the certificate by the Planning and Development Board and if endorsed on the strata plan shall be so endorsed in the appropriate places shown on form 2.

Corporation certificates

10. A certificate under the seal of the corporation given—

- (a) pursuant to section 22(3) shall be in the form or to the effect of form 6;
and
- (b) pursuant to section 23(3) shall be in the form or to the effect of form 7.

Form of notification of destruction

11. A notification of destruction of a building given by the corporation pursuant to section 25(1)(a) shall be in the form or to the effect of form 8.

Form of notification of amendment of by-laws

12. A notification given by the corporation pursuant to section 20(5) shall be in or to the effect of form 9.

Lodgement of order of court appointing administrator

13. (1) Any person appointed as administrator pursuant to section 24 may lodge with the Registrar a certified copy of the court order making such appointment.

(2) The corporation may lodge with the Registrar a certified copy of any order made by the court pursuant to regulation 18.

(3) On receipt of any such certified copy the Registrar shall note and sign on the relevant registers such particulars as appear to be necessary.

Action by Registrar on notification of destruction

14. Upon receipt of a notice in or to the effect of form 8 the Registrar shall endorse and sign 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 be necessary.

Transfer after destruction

15. 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.

Action by Registrar on amendment of by-law

16. Upon receipt of a notification in or to the effect of form 9 the Registrar shall endorse and sign on the relevant registered strata plan a memorial of such notification. The memorial shall contain such particulars as appear to be necessary.

Insurance

17. (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 charges charged upon his strata lot.

(2) Where 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 chargees whose interests are noted thereon in order of their respective priorities—

- (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 charges charged upon the strata lot,

whichever is the less.

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

(4) Where the amount is paid by an insurer in accordance with paragraph (2) is less than the amount necessary to discharge a charge 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 charge to secure the amount so paid on such terms and conditions, if any, as were agreed upon under paragraph (7) or failing agreement, on the same terms and conditions as those contained in the charge by the proprietor.

(5) Where a building is uninsured, or has been insured for 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 his strata lot less any amount for which his strata lot is insured under any policy or 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 charges charged upon his lot, and the provisions of paragraphs (2), (3) and (4) shall apply in respect of any payment pursuant to such policy as they apply to a policy effected pursuant to paragraph (1).

(6) For the purpose of paragraph (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 holder and dividing the product so obtained by the sum of the unit entitlement of all strata lot holders.

(7) For the purpose of paragraph (4) and of sub-paragraph (b) of paragraph (5) any insurer and chargee or chargees 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 an interest.

(8) Nothing in this regulation shall limit the right of a proprietor to insure against risk 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.

Court's power where building damaged

18. (1) Where a building is damaged but is not destroyed within the meaning of section 25(2), the court may by order settle a scheme, including provisions—

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

(2) In exercise of its powers under this regulation, the court may make such order 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 alterations thereto;
- (d) imposing such general terms and conditions as it thinks fit.

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

(4) On any application to the court under this regulation any insurer who has insured 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.

Voting by chargee

19. Where a proprietor's interest is subject to a registered charge or charges and the chargee(s) has written notice of his charge to the corporation, any power of voting conferred on a proprietor by or under the Ordinance—

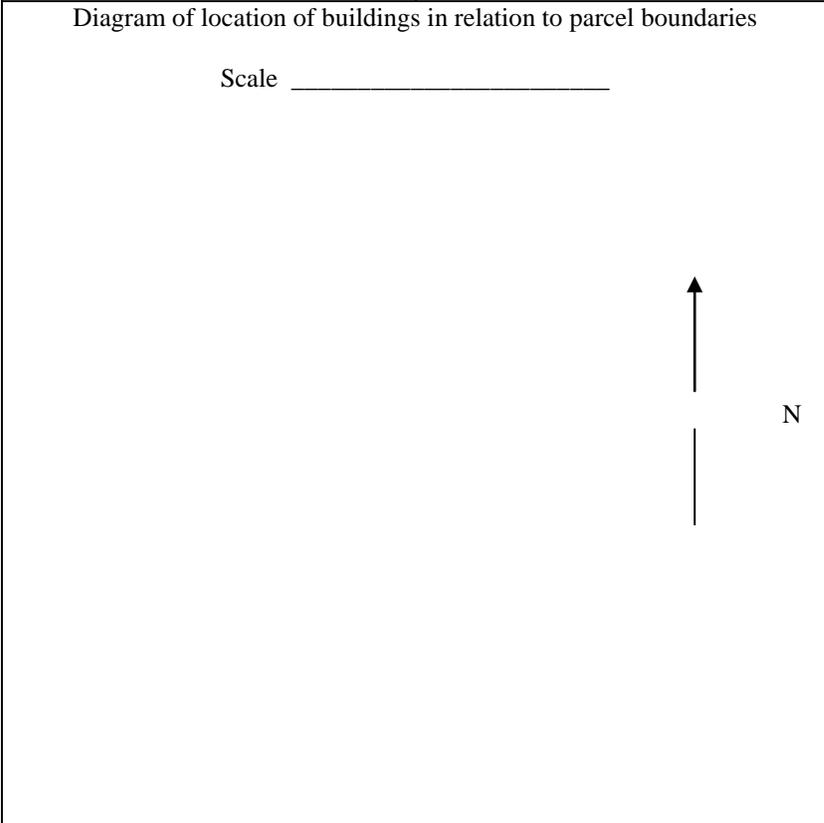
- (a) shall not, in any case where a unanimous resolution is required, be exercised by the proprietor but shall be exercised by the chargees in succession in accordance with their priorities;
- (b) may in any other case be exercised by the chargee first entitled in priority and thereafter by chargees next entitled in succession, and shall not be exercised by the proprietor when any such chargee is present personally or by proxy.

Fees to be paid to Registrar

20. The following fees shall be paid to the Registrar in respect of matters hereinafter referred to—

- | | |
|--|---------|
| 1. On lodgement for registration of a strata plan | \$25.00 |
| 2. For opening new registers consequent upon registration of strata plan for each parcel resulting | \$50.00 |
| 3. On lodgement of a notification of destruction of the building .. | \$50.00 |
| 4. On lodgement of a notification of any amendment or variation of any by law | \$25.00 |
| 5. On lodgement of an application for amendment of a registered strata plan – per amendment | \$25.00 |

SCHEDULE
FORM 1
(Regulation 4(b)(i))

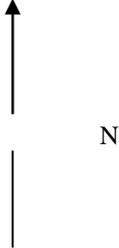
REGISTRATION TITLE NO. _____ SECTION _____ ISLAND _____ Address of Body _____ Corporate for service of notice _____	STRATA PLAN NO. Registered _____ _____ Registrar of Lands Last Plan _____
Diagram of location of buildings in relation to parcel boundaries Scale _____ 	

FORM 2
(Regulation 4(b)(iii))

Sheet No. _____ of _____ Sheets			STRATA PLAN NO. _____
Schedule of Unit of Entitlement			I, of a surveyor licensed under the Land Survey Ordinance hereby certify that— (1) The building erected in Title No. _____ is within the external boundaries of the parcel subject to (2) below. (2) Eaves or guttering of the building project beyond external boundaries an appropriate easement has been granted as an appurtenance of the parcel by instrument No. _____ Dated Signature _____ Sheet Nos. _____ approved by the Planning and Development Authority for the purposes of the Strata Titles Ordinance that (1) the development conforms with the requirements of the Planning and Development Regulations. (2) a certificate of fitness for occupancy has been issued in respect of Strata Lot Nos. _____ Dated Signature
Strata Lot No.	Unit Entitlement	Office Use Only Parcel No.	
AGGREGATE			

FORM 3
(Regulation 4(b)(iii))

Sheet No. of Sheet

ELEVATIONS: SECTIONS: PLANS	STRATA PLAN NO.
Section 7(1)(e) Strata Titles Ordinance _____ FLOOR SCALE _____ 	

FORM 4

(Regulation 9)

TURKS AND CAICOS ISLANDS
STRATA TITLES ORDINANCE
SURVEYOR’S CERTIFICATE

PARCEL NO.	SECTION	ISLAND
.....

I

of

a Licensed Land Surveyor under the Land Survey Ordinance, hereby certify that—

- (1) the building erected on the above parcel is within the external boundaries of the parcel* subject to (2) below;
- * (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 Instrument No.

Signature

Date

**Delete if inappropriate.*

FORM 5

(Regulation 9)

TURKS AND CAICOS ISLANDS
STRATA TITLES ORDINANCE

PLANNING AND DEVELOPMENT AUTHORITY CERTIFICATE

I,

Hereby certify for the purposes of the Strata Titles Ordinance that the development conforms with the requirements of the Planning and Development Regulations.

Signature

Dated

FORM 6

(Regulation 10(a))

TURKS AND CAICOS ISLANDS
STRATA TITLES ORDINANCE
CERTIFICATE OF THE CORPORATION

STRATA PLAN NO

In pursuance of the provisions of the Strata Titles Ordinance, the proprietors of the above strata plan hereby certify that the 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)

The Common Seal of the Proprietors. Strata Plan No
was hereunto affixed on in the
presence of

.....
.....
.....

(Members of Executive Committee)

Notes—

- (1) *If in the case of a lease interested parties have approved in writing of the execution of the lease but have not consented in writing to the release of their interest in respect of the demised land, delete the words “have consented in writing to the release of those interests in respect of the land comprised in such instrument.”*
- (2) **Insert a description of the nature and date of the instrument and the names of the parties thereto.*

FORM 7

(Regulation 10(b))

TURKS AND CAICOS ISLANDS

STRATA TITLES ORDINANCE

CERTIFICATE OF THE CORPORATION

STRATA PLAN NO

In pursuance of the provisions of the Strata Titles Ordinance, the proprietors of the above strata plan hereby certify that the 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 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.

Instrument: *Transfer *(or as the case may be)* dated

.....

of

(Brief description of land affected)

The Common Seal of the Proprietors. Strata Plan No

was hereunto affixed in the presence of

.....

.....

.....

(Members of Executive Committee)

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

FORM 8

(Regulation 11)

TURKS AND CAICOS ISLANDS
STRATA TITLES ORDINANCE

NOTIFICATION OF DESTRUCTION OF BUILDING

STRATA PLAN NO

In pursuance of paragraph (a) of section 25(1) of the Strata Titles Ordinance the proprietors of the above strata plan hereby certify that the building illustrated on the said plan has been destroyed.

Attached hereto is **a certified copy of the unanimous resolution of the proprietors pursuant to section 25(2)(a) of the said Ordinance.*

**An office copy of the declaration made by the court pursuant to section 25(2)(b) of the said Ordinance.*

The Common Seal of the Proprietors of Strata Plan No
was hereunto affixed on
in the presence of

.....
.....
.....

(Members of Executive Committee)

**Delete whichever is inappropriate.*

FORM 9

(Regulation 12)

TURKS AND CAICOS ISLANDS
STRATA TITLES ORDINANCE

NOTIFICATION OF AMENDMENT OR VARIATION OF BY-LAWS

STRATA PLAN NO

In pursuance of section 9(5) of the Strata Titles Ordinance the proprietors of the above strata plan unanimously passed the following resolution.

(Set out resolution)

The Common Seal of the Proprietors of Strata Plan No

was hereunto affixed on
the in the presence of

.....
.....
.....

(Members of Executive Committee)

Note: Delete the word "unanimously" if not applicable
