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The following Act was passed by Parliament on 4th May 1999 and assented to by the President on 17th May 1999:—

## REPUBLIC OF SINGAPORE

**No. 21 of 1999.**

I assent.



LIM KIM SAN,  
*Person exercising the  
Functions of the President.  
17th May 1999.*

An Act to amend the Land Titles (Strata) Act (Chapter 158 of the 1988 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

### Short title and commencement

**1.** This Act may be cited as the Land Titles (Strata) (Amendment) Act 1999 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### Amendment of section 3

**2.** Section 3 of the Land Titles (Strata) Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “assurance”, the following definition:

“ “Board” means a Strata Titles Board constituted under section 86;” and

(b) by inserting, immediately after the definition of “planning permission”, the following definition:

“ “President” means the President or a Deputy President of the Boards and includes an acting President;”.

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**Amendment of section 7****3. Section 7 of the principal Act is amended —**

- (a) by deleting the words “or (8)” in subsection (11) and substituting the words “, (8) or (15)”; and
- (b) by inserting, immediately after subsection (13), the following subsections:

“(14) Subsection (1) shall not apply where a purchaser has entered into a contract to dispose of a new flat in his proposed development project on the land to —

- (a) a subsidiary proprietor of a lot in a strata title plan under section 84A;
- (b) a registered proprietor of a flat in a development under section 84D, 84E or 84F;
- (c) a registered proprietor of a lot or a flat where the owners of all the lots and flats in the development have agreed to sell their lots or flats to the purchaser; or
- (d) a registered proprietor of land (other than a lot or flat) who has agreed to sell the land to the purchaser either by itself or together with the registered proprietors of any adjacent land,

before the legal completion of the transfer for the lot, flat or land, as the case may be.

(15) Where a purchaser referred to in subsection (14) has been registered as the proprietor of the lots, flats or land referred to in that subsection and has obtained planning permission from the competent authority in respect of any proposed development of the land intended for strata subdivision after the completion of any building thereon, he shall, within 6 months of obtaining the planning permission, file the schedule of strata units with the Commissioner in accordance with subsection (1) and shall not sell any other flat in the development before the share values are accepted by the Commissioner.

(16) Subsections (2) to (10) and (13) shall apply, with the necessary modifications, to any development referred to in subsection (14), including the modification that subsection (6) shall apply to such a development after the Commissioner has accepted the schedule of strata units filed under subsection (15).”.

**Amendment of section 45****4.** Section 45 of the principal Act is amended —

- (a) by inserting, immediately after subsection (3), the following subsection:

“(3A) Where an order made under Part VI has not been complied with, the management corporation may carry out any work specified in the order and recover from the person against whom the order was made the cost of so doing as a debt in a court of competent jurisdiction.”; and

- (b) by inserting, immediately before the word “the” in the tenth line of subsection (4), the words “and the defect is not due to any breach of the duty imposed on any person by section 57 (a),”.

**Amendment of section 49****5.** Section 49 (1) of the principal Act is amended —

- (a) by deleting the word “or” at the end of paragraph (c);
- (b) by deleting the comma at the end of paragraph (d) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(e) any investigation or work required to be carried out by a management corporation under any order made by a Board under section 103,”; and

- (c) by inserting, immediately after the words “purpose of” in the fifteenth line, the words “investigating or”.

**Amendment of section 54****6.** Section 54 (1) of the principal Act is amended —

- (a) by deleting the word “and” at the end of paragraph (c) (iv); and

- (b) by deleting the full-stop at the end of sub-paragraph (v) of paragraph (c) and substituting the word “; and”, and by inserting immediately thereafter the following sub-paragraph:

“(vi) whether the management corporation has received a copy of any application or order of the Board made under section 84A.”.

**Amendment of section 78**

7. Section 78 of the principal Act is amended by inserting, immediately after subsection (10), the following subsection:

“(11) No application shall be made under this section where the only reason for the application by the subsidiary proprietors for the sale of all the lots and common property in a strata title plan is that they —

- (a) have not been able to satisfy the requirement under section 84A (1);
- (b) have been able to satisfy the requirement under section 84A (1) but have not made an application to a Board under section 84A (1); or
- (c) have been able to satisfy the requirement under section 84A (1) but their application for an order under section 84A has been refused by a Board.”.

**New Part VA**

8. The principal Act is amended by inserting, immediately after section 84, the following Part:

“PART VA

COLLECTIVE SALE OF PROPERTY

**Application for collective sale of parcel by majority of subsidiary proprietors who have made conditional sale and purchase agreement**

**84A.**—(1) An application to a Board for an order for the sale of all the lots and common property in a strata title plan may be made by —

- (a) the subsidiary proprietors of the lots with not less than 90% of the share values where less than 10 years have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building comprised in the strata title plan or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building comprised in the strata title plan, whichever is the later; or

- (b) the subsidiary proprietors of the lots with not less than 80% of the share values where 10 years or more have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building comprised in the strata title plan or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building comprised in the strata title plan, whichever is the later,

who have agreed in writing to sell all the lots and common property in the strata title plan to a purchaser under a sale and purchase agreement which specifies the proposed method of distributing the sale proceeds to all the subsidiary proprietors (whether in cash or kind or both), subject to an order being made under subsection (6) or (7).

(2) The subsidiary proprietors referred to in subsection (1) shall appoint not more than 3 persons from among themselves to act jointly as their authorised representatives in connection with any application made under that subsection.

(3) No application may be made under subsection (1) by the subsidiary proprietors referred to in that subsection unless they have complied with the requirements specified in the Fourth Schedule and provided an undertaking to pay the costs of the Board under subsection (5).

(4) A subsidiary proprietor of any lot in the strata title plan who has not agreed in writing to the sale referred to in subsection (1) and any mortgagee, chargee or other person (other than a lessee) with an estate or interest in land and whose interest is notified on the land register for that lot may each file an objection with a Board stating the grounds for the objection within 21 days of the date of the notice served pursuant to the Fourth Schedule or such further period as the Board may allow.

(5) The Board shall have power —

- (a) to mediate in any matter arising from an application made under subsection (1); and
- (b) to call for a valuation report or other report and to require the subsidiary proprietors referred to in subsection (1) to pay for the costs.

(6) Where an application has been made under subsection (1) and no objection has been filed under subsection (4), the Board shall, subject to subsection (9), approve the application and order that the lots and common property in the strata title plan be sold.

(7) Where one or more objections have been filed under subsection (4), the Board shall, subject to subsection (9), after mediation, if any, approve the application made under subsection (1) and order that the lots and common property in the strata title plan be sold unless, having regard to the objections, the Board is satisfied that —

- (a) any objector, being a subsidiary proprietor, will incur a financial loss; or
- (b) the proceeds of sale for any lot to be received by any objector, being a subsidiary proprietor, mortgagee or chargee, are insufficient to redeem any mortgage or charge in respect of the lot.

(8) For the purposes of subsection (7) (a), a subsidiary proprietor —

- (a) shall be taken to have incurred a financial loss if the proceeds of sale for his lot, after any deduction allowed by the Board, are less than the price he paid for his lot;
- (b) shall not be taken to have incurred a financial loss by reason only that his net gain from the sale of his lot will be less than the other subsidiary proprietors.

(9) The Board shall not approve an application made under subsection (1) if the Board is satisfied that —

- (a) the transaction is not in good faith after taking into account only the following factors:
  - (i) the sale price for the lots and the common property in the strata title plan;
  - (ii) the method of distributing the proceeds of sale; and
  - (iii) the relationship of the purchaser to any of the subsidiary proprietors; or
- (b) the sale and purchase agreement would require any subsidiary proprietor who has not agreed in writing to the sale to be a party to any arrangement for the development of the lots and the common property in the strata title plan.

(10) Where no objection has been filed under subsection (4), the determination under subsection (9) shall be made by the Board on the basis of the facts available to the Board.

(11) The Board may make all such other orders and give such directions as may be necessary or expedient to give effect to any order made under subsection (6) or (7).

(12) The Board may, at any time it thinks fit, extend, vary, revoke or discharge any order made under this section, and may vary any term or condition upon or subject to which any such order has been made.

(13) A notice sent by registered post under the Fourth Schedule shall be deemed to be duly served on the person to whom it is addressed 2 days after the day on which the notice was posted, notwithstanding the fact that the letter may be returned by the post office as undelivered.

(14) The Minister may, by order published in the *Gazette*, amend or add to the Fourth Schedule.

(15) For the purposes of this section, “subsidiary proprietor” includes a successor in title.

### **Effect of order of Board**

**84B.**—(1) Where a Board has made an order under section 84A (6), (7) or (11) —

- (a) the order shall bind all the subsidiary proprietors of the lots in the strata title plan, their successors in title and assigns and any mortgagee, chargee or other person with an estate or interest in land;
- (b) the subsidiary proprietors of the lots shall sell the lots and common property in accordance with the sale and purchase agreement; and
- (c) a lease affecting any of the lots in the strata title plan (other than a lease held by a subsidiary proprietor) shall, if there is no earlier agreed date, determine on the date on which vacant possession is to be given to the purchaser of the lots and common property.

(2) Nothing in subsection (1) (c) shall prejudice the rights of any lessee of a subsidiary proprietor to compensation from the subsidiary proprietor.

(3) A subsidiary proprietor of a lot who has not agreed in writing to a sale under section 84A or any lessee of the lot may, at any time after an application has been made under section 84A (1) and before the Board has approved the application for sale, apply to the Board to determine the amount of compensation payable to the lessee.

(4) The subsidiary proprietors of the lots who have not agreed in writing to the sale under section 84A and any mortgagee, chargee or other person with an estate or interest in those lots shall, for the purposes of the sale of the lots and common property, produce the certificates of title for the lots to the person having conduct of the sale, the representatives appointed under section 84A (2) or to their solicitors.

**Power of Board to appoint person to act for certain subsidiary proprietor**

**84C.**—(1) Where a Board has made an order under section 84A (6), (7) or (11), the Board may, on application by the representatives of the subsidiary proprietors appointed under section 84A (2), appoint any person to deal with all matters in connection with the sale of any lot —

- (a) where the subsidiary proprietor of the lot has died and no personal representative has been appointed; or
- (b) in such other case as the Board thinks fit.

(2) The Board may authorise the person appointed under subsection (1) to act for the subsidiary proprietor concerned in all aspects of the sale, including the redemption of mortgages and charges, the execution of the transfer, the receipt of moneys, the settlement of encumbrances on the lot, applying for a replacement or subsidiary certificate of title, giving valid receipts thereof and as soon as practicable paying the remaining moneys into court under section 65 of the Trustees Act (Cap. 337).

(3) The execution of any instrument in respect of any lot by the person appointed under subsection (1) shall have the same force and validity as if it had been executed by the subsidiary proprietor in whom the lot is vested.



(4) When the transfers of the lots in the strata title plan are lodged for registration under this Act, the authorised representatives or the solicitor acting for the subsidiary proprietors or the person appointed under subsection (1) shall certify in such form as the Registrar may approve that the provisions of section 84A have been complied with; and the certificate in favour of the purchaser of the lots and common property and the Registrar shall be conclusive evidence of the facts stated therein.

**Application for collective sale of parcel not registered under Act by majority of proprietors where proprietors of flats own the land**

**84D.**—(1) This section shall apply where there are subsisting leases of flats in a development registered under the Registration of Deeds Act (Cap. 269) or the Land Titles Act (Cap. 157) and the proprietors of the flats own the land comprised in the development.

(2) An application to a Board for an order for the sale of all the flats and the land in a development to which this section applies may be made by —

- (a) the proprietors of the flats who own not less than 90% share of the land where less than 10 years have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building comprised in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building comprised in the development, whichever is the later; or
- (b) the proprietors of the flats who own not less than 80% share of the land where 10 years or more have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building comprised in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building comprised in the development, whichever is the later,

who have agreed in writing to sell all the flats and the land in the development to a purchaser under a sale and purchase agreement which specifies the proposed method of distributing the sale proceeds to all the proprietors of the flats (whether in cash or kind or both), subject to an order being made under subsection (4) or (5).

(3) A proprietor of any flat in the development who has not agreed in writing to the sale referred to in subsection (2) and any mortgagee, chargee or other person (other than a lessee) with an estate or interest in the flat and whose interest is notified on the land register for that flat may each file an objection with a Board stating the grounds for the objection within 21 days of the date of the notice served pursuant to the Fourth Schedule or such further period as the Board may allow.

(4) Where an application has been made under subsection (2) and no objection has been filed under subsection (3), the Board shall, subject to subsection (7), approve the application and order that the flats and the land in the development be sold.

(5) Where one or more objections have been filed under subsection (3), the Board shall, subject to subsection (7), after mediation, if any, approve the application made under subsection (2) and order that the flats and the land in the development be sold unless, having regard to the objections, the Board is satisfied that —

- (a) any objector, being a proprietor, will incur a financial loss; or
- (b) the proceeds of sale for any flat to be received by any objector, being a proprietor, mortgagee or chargee, are insufficient to redeem any mortgage or charge in respect of the flat.

(6) For the purposes of subsection (5) (a), a proprietor —

- (a) shall be taken to have incurred a financial loss if the proceeds of sale for his flat, after any deduction allowed by the Board, are less than the price he paid for his flat;
- (b) shall not be taken to have incurred a financial loss by reason only that his net gain from the sale of his flat will be less than the other proprietors.

(7) The Board shall not approve an application made under subsection (2) if the Board is satisfied that —

- (a) the transaction is not in good faith after taking into account only the following factors;
  - (i) the sale price for the flats and the land in the development;
  - (ii) the method of distributing the proceeds of sale; and
  - (iii) the relationship of the purchaser to any of the proprietors; or

(b) the sale and purchase agreement would require any proprietor who has not agreed in writing to the sale to be a party to any arrangement for the development of the flats and the land in the development.

(8) Where no objection has been filed under subsection (3), the determination under subsection (7) shall be made by the Board on the basis of the facts available to the Board.

(9) Sections 84A (2), (3), (5), (11), (12) and (13), 84B and 84C shall apply, with the necessary modifications, to any application or order made under this section.

(10) For the purposes of this section —

“development” means any parcel of land with one or more buildings where the parcel is owned by the proprietors of the flats;

“proprietor” includes a successor in title.

**Application for collective sale where proprietors of flats own leasehold estate of at least 999 years or other estate in flats not registered under Act but do not own the land**

**84E.**—(1) This section shall apply where there are subsisting leases of flats in a development registered under the Registration of Deeds Act (Cap. 269) or the Land Titles Act (Cap. 157) for a leasehold estate of 999 years or more or for such other estate as the Minister may, by notification in the *Gazette*, specify and where the proprietors of the flats do not own the land comprised in the development.

(2) The proprietors of 25% of the flats to which this section applies may apply to the Registrar for notional shares in the land to be assigned to each of the flats based on the method used by the Commissioner for the allocation of share values.

(3) An application to a Board for an order for the sale of all the flats and the land in a development to which this section applies may be made by —

(a) the proprietors of the flats who own not less than 90% notional share of the land where less than 10 years have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building comprised in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building comprised in the development, whichever is the later; or

- (b) the proprietors of the flats who own not less than 80% notional share of the land where 10 years or more have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building comprised in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building comprised in the development, whichever is the later,

who have agreed in writing to sell all the flats in the development to a purchaser under a sale and purchase agreement which specifies the proposed method of distributing the sale proceeds to all the proprietors of the flats (whether in cash or kind or both), subject to an order being made under subsection (6) or (7).

(4) The proprietors of the flats referred to in subsection (3) shall also serve a copy of the notice to be served pursuant to the Fourth Schedule on the proprietor of the land and every mortgagee, chargee or other person with an estate or interest in the land and whose interest is notified on the land register for that land.

(5) A proprietor of any flat in the development who has not agreed in writing to the sale referred to in subsection (3) and any mortgagee, chargee or other person (other than a lessee) with an estate or interest in the flat and whose interest is notified on the land register for that flat may each file an objection with a Board stating the grounds for the objection within 21 days of the date of the notice served pursuant to the Fourth Schedule or such further period as the Board may allow.

(6) Where an application has been made under subsection (3) and no objection has been filed under subsection (5), the Board shall, subject to subsection (9), approve the application and order that the flats and the land in the development be sold.

(7) Where one or more objections have been filed under subsection (5), the Board shall, subject to subsection (9), after mediation, if any, approve the application made under subsection (3) and order that the flats and the land in the development be sold unless, having regard to the objections, the Board is satisfied that —

- (a) any objector, being a proprietor, will incur a financial loss; or

- (b) the proceeds of sale for any flat to be received by any objector, being a proprietor, mortgagee or chargee, are insufficient to redeem any mortgage or charge in respect of the flat.
- (8) For the purposes of subsection (7) (a), a proprietor —
  - (a) shall be taken to have incurred a financial loss if the proceeds of sale for his flat, after any deduction allowed by the Board, are less than the price he paid for his flat;
  - (b) shall not be taken to have incurred a financial loss by reason only that his net gain from the sale of his flat will be less than the other proprietors.
- (9) The Board shall not approve an application made under subsection (3) if the Board is satisfied that —
  - (a) the transaction is not in good faith after taking into account only the following factors:
    - (i) the sale price for the flats and the land in the development;
    - (ii) the method of distributing the proceeds of sale; and
    - (iii) the relationship of the purchaser to any of the proprietors; or
  - (b) the sale and purchase agreement would require any proprietor who has not agreed in writing to the sale to be a party to any arrangement for the development of the flats and the land in the development.
- (10) Where no objection has been filed under subsection (5), the determination under subsection (9) shall be made by the Board on the basis of the facts available to the Board.
- (11) Where a Board has made an order for the sale of the flats and the land, the proprietor of the land shall be deemed to have transferred his estate and interest in the land to the purchaser without consideration upon the registration by the Registrar of the transfers of all the flats (except the flats deemed to be owned by the proprietor under subsection (14)) in the development and the Registrar shall enter a notification of the vesting of the land in the purchaser on the land register.

(12) The proprietors of the flats who have not agreed in writing to the sale, the proprietor of the land, a mortgagee, chargee or other person with an estate or interest in land, where applicable, shall produce the title deeds for the flats or the land to the person having conduct of the sale, the representatives appointed under section 84A (2) or to their solicitors.

(13) If the title deeds for the flats or the land are not produced under subsection (12), the person having conduct of the sale shall not be required to produce to the purchaser any title deed other than a certified true copy of the title deed or a subsidiary certificate of title.

(14) Where the proprietor of the land in a development referred to in subsection (1) has granted leases for some but not all the flats in the development, he shall be deemed to be the proprietor of the flats which are still owned by him.

(15) Sections 84A (2), (3), (5), (11), (12) and (13), 84B and 84C shall apply, with the necessary modifications, to any application or order made under this section.

(16) For the purposes of this section —

“development” means any parcel of land with one or more buildings;

“proprietor” includes a successor in title.

**Application for collective sale by all proprietors of flats who own leasehold estate of at least 999 years or other estate in flats not registered under Act but do not own the land**

**84F.**—(1) This section shall apply where there are subsisting leases of flats registered under the Registration of Deeds Act (Cap. 269) or the Land Titles Act (Cap. 157) for a leasehold estate of 999 years or more or for such other estate as the Minister may, by notification in the *Gazette*, specify and where the proprietors of the flats do not own the land comprised in the development.

(2) Where the proprietors of all the flats in a development to which this section applies agree in writing under a sale and purchase agreement to sell all their flats to a purchaser (whether in cash or kind or both), they shall serve a notice on the proprietor of the land and every mortgagee, chargee or other person with an estate or interest in the land and whose interest is notified on the land register at least 21 days before the date of the first transfer of any such flat informing them of the transfer under subsection (4).

- (3) Notice under subsection (2) shall be given by —
- (a) advertising the proposed sale in such local newspapers in the 4 official languages as approved by the Registrar;
  - (b) serving the notice on the proprietor of the land and every mortgagee, chargee or other person with an estate or interest in the land and whose interest is notified on the land register by registered post; and
  - (c) affixing a copy of the notice in the 4 official languages to a conspicuous part of each building in the development.

(4) The proprietor of the land referred to in subsection (2) shall be deemed to have transferred his estate and interest in the land to the purchaser without consideration upon the registration by the Registrar of the transfers of all the flats in the development and the Registrar shall enter a notification of the vesting of the land in the purchaser on the land register.

(5) A notice sent by registered post under this section to a proprietor of the land, his mortgagee, chargee or other person with an estate or interest in the land and whose interest is notified on the land register at its last registered address in the case of a company registered under the Companies Act (Cap. 50) or otherwise at its last recorded address at the Registry of Titles or the Registry of Deeds, as the case may be, shall be deemed to be duly served on the person to whom it is addressed 2 days after the day on which the notice was posted, notwithstanding the fact that the letter may be returned by the post office as undelivered.

(6) When the transfers of the flats to which this section applies are lodged for registration with the Registrar, the solicitors acting for the proprietors of the flats shall certify in such form as the Registrar may determine that the provisions of this section have been complied with, and the certificate in favour of the purchaser and the Registrar shall be conclusive evidence of the facts stated therein.

(7) Section 84E (12), (13), (14) and (16) shall apply, with the necessary modifications, to a development to which this section applies.”.

## **Repeal of section 85**

9. Section 85 of the principal Act is repealed.

**Amendment of section 86**

**10.** Section 86 of the principal Act is amended —

- (a) by inserting, immediately after subsection (1), the following subsections:

“(1A) The Minister may appoint not more than 3 Deputy Presidents of the Boards.

(1B) Unless otherwise provided by this Act, a Board shall determine by arbitration every dispute of which it has cognizance and every matter with respect to which it has jurisdiction under this Act.”;

- (b) by inserting, immediately after the word “two” in the 5th line of subsection (2), the words “or 4”;

- (c) by inserting, immediately after subsection (2), the following subsections:

“(2A) Any party to a dispute of which a Board has cognizance, or a matter with respect to which a Board has jurisdiction, under this Act may, within the prescribed period and for any reasonable cause, object in writing to any member of the Board selected by the President under subsection (2).

(2B) The Board shall be constituted —

- (a) upon the expiration of the prescribed period if the Registrar of the Boards does not earlier receive any objection under subsection (2A);
- (b) if any objection received under subsection (2A) is allowed by the President, upon the selection of another member by the President; or
- (c) if any objection received under subsection (2A) is disallowed by the President, upon the decision to disallow the objection.”; and
- (d) by deleting the words “the Deputy President” in subsections (2) and (3) and substituting in each case the words “a Deputy President”.

**Amendment of section 87**

**11.** Section 87 (1) of the principal Act is amended by deleting the words “20 persons” and substituting the words “not more than 30 persons”.



**Amendment of section 92**

**12.** Section 92 of the principal Act is amended —

- (a) by deleting the word “such” in subsection (1) and substituting the words “a Registrar of the Boards (referred to in this Part as the Registrar) and such other”;
- (b) by inserting, immediately after subsection (1), the following subsections:

“(1A) Subject to the directions of the President, the Registrar may, in connection with any application to a Board, make interlocutory orders.

(1B) The Registrar shall, in the performance of his functions and duties under subsection (1A), have the same protection and immunity as a member of a Board.”; and

- (c) by inserting, immediately after the words “remuneration of” in subsection (2), the words “the Registrar,”.

**Amendment of section 99**

**13.** Section 99 (1) of the principal Act is amended by deleting the words “planning approval” in paragraph (a) and substituting the words “planning permission for the development of land”.

**Repeal and re-enactment of section 103**

**14.** Section 103 of the principal Act is repealed and the following section substituted therefor:

**“Disputes regarding performance of functions, etc.**

**103.**—(1) Subject to subsections (4), (6) and (7), a Board may, pursuant to an application by a management corporation, subsidiary proprietor, mortgagee in possession, lessee or occupier of a lot in a subdivided building, make an order for the settlement of a dispute, or the rectification of a complaint, with respect to —

- (a) any defect in a lot, a subdivided building or its common property;
- (b) the liability of a subsidiary proprietor to bear the costs of or any part thereof for any work carried out by a management corporation in the exercise or performance of its powers, duties or functions conferred or imposed by this Act or the by-laws relating to the subdivided building; or

(c) the exercise or performance of, or the failure to exercise or perform, a power, authority, duty or function conferred or imposed by this Act or the by-laws relating to the subdivided building.

(2) An order under subsection (1) may be made on —

(a) any person entitled to make an application under this section; or

(b) the chairman, secretary or treasurer of a management corporation or its council.

(3) Any order made under subsection (1), except an order made with respect to the exercise or performance of, or the failure to exercise or perform, a power, authority, duty or function conferred or imposed by this Act or the by-laws, may provide for the payment of damages.

(4) For the purposes of this section, where a management corporation has a discretion as to whether or not to exercise or perform a power, authority, duty or function conferred or imposed on it by this Act or the by-laws, it shall be deemed to have refused or failed to exercise or perform that power, authority, duty or function only if it has decided not to exercise or perform that power, authority, duty or function.

(5) For the purposes of subsection (4), where an application is made to a management corporation to exercise a discretion referred to in that subsection, and the management corporation does not, before the expiration of 2 months after the making of the application —

(a) exercise or perform a power, authority, duty or function in accordance with the application; or

(b) inform the applicant that it has decided not to exercise or perform the power, authority, duty or function in accordance with the application,

the management corporation shall be deemed to have decided not to exercise or perform the power, authority, duty or function.

(6) Nothing in subsection (1) shall empower a Board to make an order with respect to the exercise or performance of, or the failure to exercise or perform, a power, authority, duty or function of a management corporation where that power, authority, duty or function may, in accordance with any provision of this Act or the by-laws, only be exercised or performed pursuant to a unanimous resolution or a special resolution.

(7) An order in respect of any matter dealt with in any other section in this Part shall not be made under this section.

(8) Subsection (5) shall apply to any application to a management corporation made before the date of commencement of the Land Titles (Strata) (Amendment) Act 1999 as if the application had been made immediately after that date.”.

### **Amendment of section 109**

**15.** Section 109 of the principal Act is amended —

(a) by deleting the words “For the purpose of securing compliance with an order under this Part” in the first and second lines of subsection (2) and substituting the words “Without prejudice to subsection (1)”; and

(b) by inserting, immediately after subsection (2), the following subsection:

“(3) Any order made by a Board under this Act may, by leave of a District Court, be enforced against the person in the same manner as a judgment of that Court, and where leave is so given, judgment may be entered in terms of that order.”.

### **Repeal and re-enactment of section 110**

**16.** Section 110 of the principal Act is repealed and the following section substituted therefor:

#### **“Representation before Board**

**110.**—(1) A party to any proceedings under this Act may appear before a Board or may be represented by counsel, or such other person as the Board may allow, who may examine witnesses and address the Board on behalf of the party.

(2) A management corporation appearing before a Board may be represented by counsel, a member of the council of the management corporation or such other person as the Board may allow.”.

**Amendment of section 118**

**17.** Section 118 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) In any proceedings brought by one or more subsidiary proprietors against the management corporation, or by the management corporation against one or more subsidiary proprietors (including subsidiary proprietors joined in third party proceedings), the court or a Board may order that any moneys (including costs) payable by the management corporation pursuant to an order of the court or a Board, as the case may be, in those proceedings shall be paid, in respect of such lots as are specified in the order and in such proportions as may be specified, by the management corporation out of contributions levied for the purpose.”; and

(b) by inserting, immediately after the word “court” in the first line of subsection (2), the words “or a Board”.

**New section 125A**

**18.** The principal Act is amended by inserting, immediately after section 125, the following section:

**“Subsidiary strata certificates of title for flats where proprietors own leasehold estate of at least 999 years or other estate**

**125A.**—(1) Where the subsisting leases of the flats registered under the Registration of Deeds Act (Cap. 269) or the Land Titles Act (Cap. 157) are for a leasehold estate of 999 years or more or for such other estate as the Minister may, by notification in the *Gazette*, specify and where the proprietors of those flats who altogether own not less than 25% of the total number of flats in the development have agreed to have the land brought under the Land Titles Act (Cap. 157) and for the issue of subsidiary strata certificates of title for all the flats, the proprietor of the land shall be deemed to have agreed to the transfer of the land without consideration to the proprietors of the flats in the shares as specified in section 125 (2) (a) or section 126 (1) or (2), as the case may be.

(2) The proprietors of the flats referred to in subsection (1) shall serve a notice on the proprietor of the land and the subsisting mortgagees, chargees or other persons with an estate or interest in land who appear as such in the records of the Land Titles Registry or the Registry of Deeds, as the case may be, at least one month before the date of the application for registration of the strata title plan is filed with the Registrar, informing him of the transfer under subsection (1).

(3) Section 125 or 126, as the case may be, shall, except the provisions relating to the transfer of the land by the registered proprietors, continue to apply to the proprietors of the flats referred to in subsection (1).

(4) Upon registration of the strata title plan for the development and the issue of subsidiary strata certificates of title for the flats in the development, the estate and interest of the registered proprietor in the land shall vest in the subsidiary proprietors.”.

### **Repeal of section 131**

**19.** Section 131 of the principal Act is repealed.

### **Amendment of Third Schedule**

**20.** Paragraph 11 of the Third Schedule to the principal Act is amended by deleting the words “paragraph 4” and substituting the words “paragraph 3”.

### **Repeal and re-enactment of Fourth Schedule**

**21.** The Fourth Schedule to the principal Act is repealed and the following Schedule substituted therefor:

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“FOURTH SCHEDULESections 84A (3), 84D (3)  
and 84E (4)

## REQUIREMENTS UNDER SECTION 84A, 84D OR 84E

1. The subsidiary proprietors referred to in section 84A (1) or the proprietors referred to in section 84D (2) or 84E (3) shall, before making an application to a Board —

- (a) consider the collective sale at an extraordinary meeting held in accordance with the Act or, where the development is not registered under the Act, at a meeting held after sending a notice of the meeting by registered post to all the proprietors to their last recorded addresses at the Registry of Titles or the Registry of Deeds and placing a copy of the notice under the main door of every flat in the development;
- (b) advertise the particulars of the application in such local newspapers in the 4 official languages as approved by the Board;
- (c) serve a notice of the proposed application to be made under section 84A (1), 84D (2) or 84E (3) by sending a copy by registered post to all the subsidiary proprietors or proprietors, as the case may be, and by placing a copy under the main door of every lot or flat, together with a copy each of —
  - (i) the advertisement referred to in sub-paragraph (b);
  - (ii) the sale and purchase agreement;
  - (iii) a statutory declaration made by the purchaser under the sale and purchase agreement on his relationship, if any, to the subsidiary proprietors of the lots or the proprietors of the flats;
  - (iv) a valuation report which is not more than 3 months old;
  - (v) a report by a valuer on the proposed method of distributing the sale proceeds; and
  - (vi) the minutes of the extraordinary meeting or meeting referred to in sub-paragraph (a);
- (d) affix a copy of the notice referred to in sub-paragraph (c) to the main door of the lots or flats whose subsidiary proprietors or proprietors, as the case may be, have not agreed in writing to the sale; and
- (e) affix a copy of the notice referred to in sub-paragraph (c) in the 4 official languages to a conspicuous part of each building in the development.

2. The notice referred to in paragraph 1 (c) to be served by registered post shall be served on an affected party —

- (a) where the party is a subsidiary proprietor of a lot in the strata title plan, at the address as shown on the strata roll;

- (b) where the party is a proprietor of a flat or land, at the last recorded address at the Registry of Titles or Registry of Deeds;
- (c) where the party is a mortgagee, chargee or other person with an estate and interest in the lot or flat whose interest is notified on the land register, at the address on the strata roll or last recorded address at the Registry of Titles or Registry of Deeds; and
- (d) where the party is a management corporation, at its address recorded on the folio of the land register comprising the common property.

3. The advertisement referred to in paragraph 1 (b) shall include —

- (a) information on the development;
- (b) the names of the subsidiary proprietors or proprietors, addresses, unit numbers and strata lot numbers, if any, of their flats;
- (c) the names of mortgagees, chargees and other persons with an estate and interest in the lots, flats and land;
- (d) brief details of the sale proposal; and
- (e) the place at which the affected parties can inspect documents for the collective sale.

4. An application to a Board shall be made by the subsidiary proprietors referred to in section 84A (1) or the proprietors referred to in section 84D (2) or 84E (3) within 14 days of the publication of the advertisement referred to in paragraph 1 (b), enclosing —

- (a) the documents specified in paragraph 1 (c);
- (b) the statutory declaration made by the representatives appointed under section 84A (2) or their solicitors that paragraph 1 (a), (b), (c), (d) and (e) have been complied with;
- (c) a list of the names of the subsidiary proprietors who have not agreed in writing to the sale, their mortgagees, chargees and other persons (other than lessees) with an estate or interest in the lots or flats whose interests are notified on the land register; and
- (d) such other document as the Board may require.

5. The Board shall, within 5 days of the filing of an objection, serve a copy of it by registered post on the representatives appointed under section 84A (2) and their solicitors, if any.

6. The subsidiary proprietors referred to in section 84A (1) or the proprietors referred to in section 84D (2) or 84E (3) shall, after making an application to the Board, cause a copy of the application to be registered under the Act, the Land Titles Act (Cap. 157) or the Registration of Deeds Act (Cap. 269), as the case may be.

7. The subsidiary proprietors referred to in paragraph 6 shall, if an order for sale is granted by the Board under section 84A, 84D or 84E, register the order of the Board in accordance with the Act, the Land Titles Act (Cap. 157) or the Registration of Deeds Act (Cap. 269), as the case may be, or if the order for sale is not granted by the Board, apply to cancel the application registered under paragraph 6.

8. For the purposes of this Schedule, “affected parties” means —
- (a) the subsidiary proprietors referred to in section 84A (1) or the proprietors referred to in section 84D (2) or 84E (3);
  - (b) the subsidiary proprietors of the lots or the proprietors of the flats who have not agreed in writing to the sale, and any mortgagee, chargee and other person (other than a lessee) with an estate or interest in the lot or flat whose interest is notified on the land register;
  - (c) the proprietor of the land under section 84E, his mortgagee, chargee or other person with an estate or interest in the land whose interest is notified on the land register; and
  - (d) the management corporation, where applicable.”.

### **Saving**

**22.—**(1) This Act shall not affect —

- (a) any proceeding commenced or pending before any Strata Titles Board before the date of commencement of this Act, and every such proceeding may be continued and everything in relation thereto may be done in all respects after that date as if section 12 had not been enacted;
- (b) the continued operation or force of any order or decision of a Strata Titles Board made before the commencement of this Act; and
- (c) any right of appeal accrued before the commencement of this Act in respect of any such order or decision of a Strata Titles Board.

(2) The first Registrar of the Strata Titles Boards shall be the person who, immediately before the commencement of this Act, held office as the Secretary of the Strata Titles Boards, and he shall continue to hold office as if he had been appointed under the principal Act as amended by this Act.

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