

# **THE STATUTES OF THE REPUBLIC OF SINGAPORE**

## **LAND TITLES (STRATA) ACT (CHAPTER 158)**

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# Land Titles (Strata) Act

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An Act to facilitate the subdivision of land into strata and the collective sale of property, and the disposition of titles thereto and for purposes connected therewith.

[15th May 1968]

## PART I

### PRELIMINARY

#### **Short title**

1. This Act may be cited as the Land Titles (Strata) Act.

#### **Application**

2. Except as hereinafter provided, this Act applies only to registered land.

#### **Interpretation**

3. In this Act, unless the context otherwise requires —

“accessory lot” means a lot intended for separate proprietorship and use with any other specified lot or lots for any purpose;

“assurance” includes any transfer, lease, charge, mortgage, transmission application or any other application for vesting made under this Act;

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

“building” includes any building partially completed or, where applicable, any building to be erected within a stratum shown or specified in any strata subdivision plan submitted to the relevant authority for approval;

“Commissioner” means the Commissioner of Buildings appointed under section 3 of the Buildings and Common Property (Maintenance and Management) Act (Cap. 30);

“common property” —

- (a) in relation to subdivided buildings in an approved plan bearing the title of “condominium” and issued by the relevant authority, means so much of the land for the time being not comprised in any lot shown in a strata



title plan or in any parts of any building unit (partially erected or to be erected) intended to be included as lots in a strata title plan to be lodged with the Registrar after strata subdivision of the building unit has been approved by the relevant authority;

- (b) in relation to any subdivided building which is comprised in any plan approved by the relevant authority other than a plan bearing the title of “condominium”, means so much of the land for the time being not comprised in any lot shown in a strata title plan; and
- (c) unless otherwise described specifically as comprised in any lot in a strata title plan and shown as capable of being comprised in such lot, includes —
  - (i) foundations, columns, beams, supports, walls, roofs, lobbies, corridors, stairs, stairways, fire escapes, entrances and exits of the building and windows installed in the external walls of the building;
  - (ii) car parks, recreational or community facilities, gardens, parking areas, roofs, storage spaces and rooms approved by the relevant authority for the use of a management corporation and its members;
  - (iii) central and appurtenant installations for services such as power, light, gas, hot and cold water, heating, refrigeration, air-conditioning and incinerators;
  - (iv) escalators, lifts, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common use;
  - (v) water pipes, drainage pipes, sewerage pipes, gas pipes and electrical cables which serve 2 or more lots;
  - (vi) all facilities described as common property in any plan approved by the relevant authority for a condominium development and all facilities which may be shown in a legend of a strata title plan as common property; and

- (vii) all other parts of the land not comprised in any lot necessary or convenient to the existence and maintenance and for the reasonable common use and safety of the common property;

“company” includes —

- (a) any body of persons incorporated in or outside Singapore; or
- (b) an unincorporated society, association or other body which under the law of its place of origin may hold property in the name of the society, association or other body or in the name of its trustees, secretary or other officer duly appointed for that purpose;

“competent authority”, in relation to the development or subdivision of land, means the competent authority appointed under section 5 of the Planning Act (Cap. 232) in respect of the development or subdivision of land, as the case may be;

“council”, in relation to a management corporation, means the council of that management corporation;

“flat” means a horizontal stratum of any building or part thereof, whether such stratum is on one or more levels or is partially or wholly below the surface of the ground, which is used or intended to be used as a complete and separate unit for the purpose of habitation or business or for any other purpose, and may be comprised in a lot, or in part of any subdivided building not shown in a registered strata title plan;

“initial period”, in relation to a management corporation, means the period of 24 months commencing on the day on which the management corporation is constituted or such other period as may be prescribed by regulations made under this Act in substitution for the said period of 24 months;

“land” means —

- (a) the surface of any defined parcel of the earth, all substances thereunder and so much of the column of airspace above the surface whether or not held apart from the surface as is reasonably necessary for the proprietor’s use and enjoyment, and includes any estate or interest therein and all vegetation growing thereon and structures affixed thereto; or

- (b) any parcel of airspace or any subterranean space held apart from the surface of the earth and described with certainty by reference to a plan approved by the Chief Surveyor and filed in the Survey Department, and includes any estate or interest therein and all vegetation growing thereon and structures affixed thereto,

and where the context so permits, the proprietorship of land includes natural rights to air, light, water and support and the right of access to any highway on which the land abuts;

“lot” means a stratum which is shown as a lot on a strata title plan, and includes a lot specified as an accessory lot on any such plan;

“management corporation”, in relation to any one or more subdivided buildings shown on a strata title plan, means the management corporation incorporated for those buildings under Part IV or pursuant to any corresponding previous written law;

“managing agent” means a managing agent appointed by a management corporation under section 68;

“Minister” —

- (a) in relation to Part IV, means the Minister charged with the responsibility for administering the Buildings and Common Property (Maintenance and Management) Act (Cap. 30);
- (b) in relation to Parts I to III, and Parts V to VIII, means the Minister charged with the responsibility for administering this Act; and
- (c) in relation to Part IX, means either the Minister charged with the responsibility for administering the Buildings and Common Property (Maintenance and Management) Act or the Minister charged with the responsibility for administering this Act, as the case may be;

“parcel” means the whole of the registered land having a Government survey lot number and comprised in a strata title plan;

- “planning permission” has the same meaning as in the Planning Act (Cap. 232);
- “ President” means the President or a Deputy President of the Boards and includes an acting President;
- “proprietor” , in relation to land comprised in a strata title plan, means the person who was the proprietor of the land the subject of the strata title plan immediately before the registration of the strata title plan under section 9;
- “provisional lot” means a lot within which one or more buildings or parts of any building are to be erected or completed and is shown as a provisional lot in a strata title plan and in any other record maintained by the Registrar;
- “registered land” means land which has been brought under the provisions of the Land Titles Act (Cap. 157), by being included in a folio of the land-register, and held by the registered proprietor for an estate in fee simple or perpetuity, or for a leasehold estate comprised in a Crown or State lease or any other lease having an unexpired term of at least 21 years as at the date of the lodgment of a plan as a strata title plan under this Act;
- “registered lease” means a lease registered under the provisions of the Land Titles Act;
- “registered lessee”, in relation to any subdivided building not comprised in a strata title plan, means the registered proprietor of a leasehold estate in registered land comprising a flat which is shown in a plan annexed to a registered lease, having an unexpired term of not less than 21 years as at the date of the lodgment of an application by that registered proprietor for a subsidiary certificate of title;
- “Registrar” means the Registrar of Titles appointed under the Land Titles Act;
- “relevant authority” means any one or more Government or statutory authorities empowered to approve plans for development or subdivision of any land or plans relating to the construction of any building under the Planning Act or under any other written law and includes the competent authority;

“share units”, in respect of a lot, means the share units determined for that lot according to its share value and shown as such in the schedule endorsed on the strata title plan;

“special resolution” means a resolution passed at a duly convened general meeting of a management corporation of which at least 21 days’ notice specifying the proposed resolution has been given and against which not more than one-quarter in value, ascertained in accordance with paragraph 9 (2), (3) and (4) of the Third Schedule, of votes is cast;

“strata roll”, in relation to a subdivided building or buildings shown on a strata title plan, means the roll referred to in section 53 which relates to that plan;

“strata subdivision” includes a subdivision of land to comprise one or more strata units whether or not any strata unit is on the same level as any other strata unit;

“strata title plan” means a plan of registered land which —

(a) is described in the title or heading thereto as a strata title plan;

(b) shows the whole or any part of the land comprised therein as being divided into 2 or more strata, whether or not any stratum is divided into 2 or more lots; and

(c) contains the particulars prescribed by section 10,

and includes a plan of resubdivision of any lot in a strata title plan registered under this Act;

“strata units” means the units allotted to any building or buildings approved for development by the relevant authority and shown in a schedule of strata units to be filed with the Commissioner;

“stratum” means any part of land consisting of a space of any shape below, on or above the surface of the land, or partly below and partly above the surface of the land, the dimensions of which are delineated;

“subdivided building” means any one or more buildings comprised in a strata subdivision plan approved by the relevant authority;

“subsidiary certificate of title” means the subsidiary certificate of title issued under section 122;

“subsidiary proprietor” means —

- (a) the registered subsidiary proprietor for the time being of the entire estate in a lot including an estate for life, an estate in remainder or an estate in reversion; and
- (b) in relation to a lot where a lease has been granted, the registered subsidiary proprietor for the time being of a leasehold interest in a lot described in an instrument of lease whose unexpired term is not less than 21 years as from the date of lodgment of the instrument of lease for registration with the Registrar including such a lease registered prior to 1st December 1987;

“subsidiary strata certificate of title” means the subsidiary strata certificate of title issued under this Act;

“unanimous resolution” means a resolution which is passed at a duly convened general meeting of a management corporation of which at least 21 days’ notice specifying the proposed resolution has been given and against which no vote is cast.

*[23/82; 16/87; S 309/87; 3/98; 21/99]*

## **Application of Land Titles Act**

**4.** The Land Titles Act (Cap. 157) and any rules made thereunder, insofar as they are not inconsistent with the provisions of this Act or of any rules made thereunder, shall apply in all respects to land registered in any folio of the subsidiary strata land-register.

## **PART II**

### **SUBDIVISION AND SUBSIDIARY STRATA LAND-REGISTER**

## **Approval of subdivision under Planning Act**

**5.** The provisions relating to the subdivision of land contained in the Planning Act (Cap. 232) and any rules made thereunder shall apply to the subdivision of any building or any lot.

**Dealings with subdivided building**

**6.—**(1) Subject to this section and except in the case where under section 23 of the Land Titles Act (Cap. 157) the Registrar has directed that any building may be dealt with in parts under the provisions of the Registration of Deeds Act (Cap. 269), no assurance (except mortgages, charges, reconveyances or discharges of subsisting mortgages or charges, vesting orders issued by the High Court and any assurance made pursuant to a power of sale conferred by any written law) disposing of any part of a subdivided building shall be registered under the Land Titles Act or the Registration of Deeds Act.

(1A) The Registrar or the Registrar of Deeds, as the case may be, shall have the power to refuse to register that assurance or, where the assurance has been registered in contravention of subsection (1), cancel that registration upon the discovery thereof.

[16/87]

(2) An assurance disposing of any part of a subdivided building may be lodged for registration under the provisions of this Act where —

- (a) a strata title plan duly certified in accordance with section 10 together with an application for the issue of subsidiary strata certificates of title has been lodged with the Registrar; and
- (b) the Registrar has registered the strata title plan and application lodged under paragraph (a) and has issued the subsidiary strata certificates of title applied for in the application.

(3) This section shall not apply to any building or class of buildings specified by the Minister by notification in the *Gazette*.

(4) Where a notification has been made under subsection (3), the Minister may at any time cancel the notification when the registered proprietor of the land on which the building is erected has, with the approval of the Minister, transferred all the estate and interest in such land to the lessees of the registered leasehold estate of the subdivided parts of the building as tenants-in-common in accordance with the terms and conditions of the leases granted in respect of the subdivided parts of the building.

(5) Subject to sections 125, 126 and 127, this section shall not apply to any building where, on 15th April 1976, a flat forming part of that building has been disposed of by the proprietor thereof by a lease

registered under the Land Titles Act (Cap. 157) or the Registration of Deeds Act (Cap. 269), and the registered leasehold interest is vested in any person other than the proprietor.

(6) In this section —

“assurance” includes any transaction to be registered under the Land Titles Act;

“charge” includes a charge referred to in section 21 of the Central Provident Fund Act (Cap. 36);

“Registrar of Deeds” means the Registrar of Deeds appointed under the Registration of Deeds Act.

[16/87]

**Flats not to be sold unless schedule of strata units is filed with and accepted by Commissioner**

7.—(1) Where planning permission has been granted by the relevant authority in respect of any proposed development of land intended for strata subdivision after the completion of any building thereon, the registered proprietor thereof shall not sell any flat in the development (whether erected or in the course of erection) unless a schedule of strata units showing the proposed share values to be allotted to all the flats in the development has been filed with and accepted by the Commissioner.

[16/87]

(2) A schedule of strata units filed by the registered proprietor of any land under subsection (1) shall not be accepted by the Commissioner for filing unless he is satisfied that the proposed share values allotted to all the flats set out in the schedule are allocated in a just and equitable manner.

(3) Where a schedule of strata units has been filed under subsection (1), the Commissioner shall consult with the Registrar before accepting the schedule for filing under this section.

(4) Where a schedule of strata units has been filed under subsection (1), the Commissioner shall within 6 weeks of the filing of the schedule —

(a) notify the registered proprietor in writing of his acceptance of the schedule; or

(b) where he is not satisfied with the allocation of the share values in the schedule, notify the registered proprietor that



the schedule has not been accepted and state his objections to the allocation of the share values in the schedule.

(5) Where a schedule of strata units has been rejected by the Commissioner under subsection (4), the registered proprietor shall file an amended schedule with the Commissioner and subsection (4) shall apply to any amended schedule filed under this subsection.

(6) The share value assigned to a flat in a development that has been sold by the proprietor of the development shall not be changed without the consent of the purchaser except that the purchaser's consent is not required for any minor adjustment to the share value which is necessitated by an increase or shortfall in the area of the flat after it has been surveyed on its completion.

(7) Where a schedule of strata units has been filed under this section, the proprietor of the development may make changes to the areas of the flats that have not been sold provided that the aggregate share value of the development is not changed.

(8) The proprietor of a development shall inform the Commissioner of any proposed changes and of any changes to the common property in the proposed subdivided building and file with the Commissioner an amended schedule of strata units which shall take into account the proposed changes before making such changes.

(9) For the purposes of this section, a developer is deemed to have sold a flat —

- (a) if, by an agreement in writing, he has agreed to convey, transfer, assign or otherwise dispose of his estate or interest in the flat to another person for valuable consideration or otherwise; or
- (b) if, by any deed or instrument, he has conveyed, assigned or otherwise disposed of his estate or interest in the flat.

(9A) Subsection (9) (a) and (b) shall not apply to an agreement in writing or deed or instrument to grant or assign a leasehold term not exceeding 21 years without an option to renew or to purchase.

(10) Every contract for the sale of a flat referred to in a schedule of strata units filed with the Commissioner under subsection (1) shall be deemed to have included therein a term that the registered proprietor of the land has agreed to sell an undivided share in the land on which the building is erected with a value determined in accordance with the proposed share values assigned to each flat

shown in the schedule of strata units filed with and accepted by the Commissioner at any time prior to the execution of the contract for sale.

(11) Any person who contravenes subsection (1), (8) or (15) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[21/99]

(12) A schedule of strata units filed with and accepted by the Commissioner prior to 1st December 1987 shall be deemed to have been filed with and accepted by the Commissioner under subsection (1).

[S 309/87]

(13) An amended schedule of strata units shall not be accepted by the Commissioner for filing purposes unless he is satisfied that the share values allotted to all the flats in a building referred to in the schedule are done so in a just and equitable manner.

(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.

[21/99]

(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.

[21/99]

(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).

[21/99]

### **Notification of planning condition on land-register, etc.**

**8.—**(1) Where planning permission has been granted by the competent authority for the development of any land subject to the condition that 30% of the floor area of any building in the development must be owned by a single person for a period of 10 years from the date of the latest temporary occupation licence issued before the grant of the certificate of fitness in respect of the development, the competent authority shall notify the Registrar of such planning permission and file with the Registrar the plans delineating the specified flats in any building comprising the aforesaid 30% of the floor area.

[23/82; 16/87]

(2) Where the Registrar has received the notice and plans referred to in subsection (1) and the Registrar is satisfied that the plans adequately identify the flats comprised in the said 30% of the floor area of the development, the Registrar shall —

- (a) enter the appropriate notification on the relevant folio of the land-register or subsidiary strata land-register; and
- (b) have the power to refuse to register any instrument disposing of any interest in any flat in contravention of the condition referred to in subsection (1) when the instrument is presented for registration.

(3) Where the Registrar has discovered that any instrument has been lodged for registration or has been finally registered in contravention of the condition referred to in subsection (1), the Registrar shall serve a notice in writing on the person who appears in the records of the Registrar as the party claiming under the said instrument of the Registrar's intention to cancel the registration of the instrument and any instrument relating to the flats referred to in

subsection (1) and any relating entries in the records maintained by the Registrar.

(4) On the expiration of the Registrar's notice under subsection (3), the Registrar shall without giving any further notice cancel the registration of the instruments referred to in subsection (3) and all entries relating thereto.

(5) The registered proprietor may lodge an application with the Registrar in the approved form for the cancellation of any notification made by the Registrar in the land-register or subsidiary strata land-register under this section and the Registrar shall cancel the notification if he is satisfied that the condition referred to in subsection (1) has been fulfilled.

### **Registration of strata title plan**

**9.—**(1) The strata title plan shall be deemed to be registered under the provisions of this Act when the plan has been signed and sealed by the Registrar and has been marked with the serial number of the strata title plan register.

(2) The Registrar shall prepare and maintain for the purposes of this Act a series of records to be called "the subsidiary strata land-register", and shall issue for each lot shown on the strata title plan a subsidiary strata certificate of title.

(3) Upon registration of a strata title plan, a subsidiary proprietor shall be deemed to be the proprietor of his lot and his share in the common property subject to the encumbrances, if any, registered or notified in the subsidiary strata land-register and on the strata title plan.

(4) Subject to the provisions of this Act, any assurance or other dealing affecting a lot may be registered in the same manner and form and, upon registration, has the same effect as a similar assurance or dealing affecting part of registered land comprised in a subdivision plan approved by the competent authority, and registered under the provisions of the Land Titles Act (Cap. 157).

### **Strata title plan and other accompanying documents**

**10.—**(1) Every strata title plan shall include an index plan and a storey plan.

## (2) Each index plan shall —

- (a) delineate the external surface boundaries and boundary marks of the proposed parcel and the position of each subdivided building thereon fixed in relation to the surface boundaries;
- (b) specify the Government survey lot number, Mukim or Town Subdivision of the parcel, the surveyed area thereof, and the certificate of title comprising the parcel;
- (c) include a vertical section of the subdivided building showing —
  - (i) the floors and ceilings of each storey; and
  - (ii) the height of each storey; and
- (d) include a legend, as well as the vertical section and dimensions, of each building or parts thereof proposed to be erected within the parcel as a separate tenement or an extension of any completed subdivided building, in accordance with building plans and subdivision plans approved by the relevant authority.

## (3) Each storey plan shall —

- (a) delineate, subject to subsections (5) and (6), one or more proposed lots and define the boundaries thereof by reference to floors and walls;
- (b) show the number of every storey and every lot included in the plan;
- (c) show the approximate floor area of each lot including any accessory lot and the total floor area of a lot which comprises separate parts as well as the lot number and floor number;
- (d) delineate the external boundaries of each building or parts thereof proposed to be erected within the parcel as a separate tenement or an extension of any completed subdivided building or buildings in accordance with building plans (if any) and subdivision plans approved by the relevant authority; and
- (e) be drawn to scale.

[23/82]

## (4) Each strata title plan shall show a legend of —

- (a) all common property; and

- (b) all accessory lots and specify therein the lots they are made appurtenant to, irrespective of whether the accessory lots are contiguous to these specified lots.

(5) Where an accessory lot consists of a building or parts thereof and is bounded by external walls, floors and ceilings, the boundaries of such accessory lot shall be shown in the strata title plan in accordance with the requirements of subsections (2) and (3).

[23/82]

(6) Where an accessory lot does not consist of a building or parts thereof —

- (a) the external boundaries of the accessory lot shall be ascertained from the building plans and the subdivision plans approved by the relevant authority, and the accessory lot shall be unlimited in its vertical dimensions except to the extent of any projection above, or encroachment below ground level by another part of the parcel; and
- (b) the strata title plan shall show a diagram of the accessory lot with similar dimensions as those shown on the approved plans mentioned in paragraph (a).

(7) Each strata title plan shall —

- (a) show the share values in whole numbers of each lot including a provisional lot and a number equal to the aggregate share value entitlement of all the lots including provisional lots and, where planning permission for the erection of the buildings comprising the lots was granted on or after 15th April 1976, the share values shown shall be those filed with and accepted by the Commissioner; and
- (b) contain such other particulars as may be prescribed by rules made under this Act.

[23/82; 16/87]

(8) Unless otherwise stipulated in the strata title plan, the common boundary on any lot with another lot or with the common property shall be the centre of the floor, wall or ceiling, as the case may be.

(9) No plan lodged as a strata title plan shall be registered unless —

- (a) the plan has been endorsed with —
  - (i) a certificate of a surveyor who is registered under the Land Surveyors Act (Cap. 156) and has in force a practising certificate issued under that Act that all

buildings and all lots shown in the strata title plan in relation to the external surface boundaries of the parcel are within the parcel and are in compliance with building plans (if any) and subdivision plans issued by the relevant authority; and

- (ii) the certificate of the Chief Surveyor or any other officer duly appointed to approve strata title plans on his behalf that such strata title plan has been approved by or on behalf of the Chief Surveyor and a copy thereof has been lodged in the Survey Department;
- (b) the plan is accompanied by a copy of the relevant strata subdivision plan approved by the relevant authority; and
- (c) the share value of each proposed lot has been entered in the plan in compliance with section 30.

[24/91]

- (10) No share value shall be allotted to an accessory lot.

[23/82]

### **Share value not to be changed**

**11.**—(1) Except as provided in this section and in sections 25 (3) (b) and 77 or where a transfer of a lot or part thereof is made under section 27 (1) (b), the share value of any lot shown in a strata title plan registered under this Act shall not be altered in any manner on or after the date of registration of the strata title plan.

[16/87]

(2) The Registrar may correct any entry in a strata title plan in respect of the share value of a lot if he is satisfied that there is an error in the entry.

(3) The court may order the share value of a lot shown in a strata title plan to be amended where the court is satisfied that the value was fraudulently assigned to the lot.

(4) Nothing in this section shall prohibit the alteration of the share value of a lot consequent upon the subdivision of that lot into 2 or more lots or the amalgamation of 2 or more lots.

[S 309/87]

### **Plan of redevelopment**

**12.**—(1) A subsidiary proprietor of a lot or of 2 or more lots who intends to subdivide his lot or amalgamate his lots may lodge a strata

title plan for redevelopment for registration with the Registrar after he has obtained the approval of the relevant authority.

[16/87]

(2) Where the subdivision of a lot or the amalgamation of 2 or more lots results in the creation of any additional or new common property, the subsidiary proprietor shall obtain the approval of the management corporation before lodging the strata title plan for redevelopment with the Registrar.

(3) Section 7 shall apply, with the necessary modifications, to a lot intended for strata subdivision.

(4) The Registrar shall not be concerned to inquire whether a subsidiary proprietor has obtained the approval of the relevant authority or the management corporation under subsection (1) or (2).

(5) Every strata title plan of redevelopment shall —

- (a) define the boundaries of the new proposed or enlarged lot or lots;
- (b) specify each proposed new lot or enlarged lot by a new number;
- (c) show the approximate floor area of each lot; and
- (d) show a legend of all proposed new or enlarged lots, specifying which of the new lots are accessory lots, and apportioning thereon among the proposed new lots the value entitlement of the former lot or lots.

[23/82]

(6) On registration of the strata title plan for redevelopment, parts of any lot which are capable of forming the common property as provided under this Act shall form part of the common property in relation to all the lots comprised within the same parcel as described in the strata title plan first registered with the Registrar without the need for a resolution made under section 25 directing the management corporation concerned to accept a transfer of such parts of a lot to form part of the common property.

[23/82]

(7) On registration of the strata title plan for redevelopment, the Registrar shall make the appropriate amendment and entry on the relevant registered strata title plan and on the volume and folio of the subsidiary strata land-register comprising the lot or lots shown in the strata title plan for redevelopment in regard to the share value and lot numbers of the lot or lots affected.



(8) Subject to subsections (1) and (5), section 10 other than subsections (1) and (2) of that section, as well as other provisions of this Act relating to a strata title plan and a lot shall apply to the strata title plan for redevelopment when registered and to any lot shown therein.

[16/87]

### **Common property**

**13.—**(1) On registration of the strata title plan the Registrar shall enter a memorial in the land-register on the volume and folio of the parcel to the effect that a subsidiary strata land-register has been created, and thereupon the common property shall be held by the subsidiary proprietors as tenants-in-common proportional to their respective share value and for the same term and tenure as their respective lots are held by them.

[16/87]

(2) The Registrar on issuing a subsidiary strata certificate of title for a lot shall certify therein the subsidiary proprietor's share in the common property, but no subsidiary strata certificate of title shall be issued for the common property.

(3) No share in the common property shall be disposed of except as appurtenant to the lot of the subsidiary proprietor and any assurance of a lot operates to assure the share in the common property appurtenant to that lot without any express mention in the assurance.

(4) The duplicate certificate of title comprising the parcel shall be deposited with the Registrar after the issue of the relevant subsidiary strata certificates of title.

[16/87]

### **Powers of mortgagees of flats brought under this Act**

**14.** Where all the flats in a development have been brought under this Act pursuant to section 50, 51 or 52, which were in force immediately prior to 1st December 1987, or pursuant to section 125, 126 or 127 and subsidiary strata certificates of title have been issued for all the flats, the mortgagee whose mortgage was registered in respect of such a flat either under the Land Titles Act (Cap. 157) or the Registration of Deeds Act (Cap. 269) prior to the issue of a subsidiary strata certificate of title for the flat, shall be deemed —

- (a) to be the donee of an irrevocable power of attorney granted by the mortgagor in respect of the mortgagor's estate in the

undivided share in the common property appurtenant to the lot comprising the mortgaged flat upon the issue of the subsidiary strata certificate of title; and

- (b) to have been vested with all rights and powers as if he is the registered proprietor of the estate in the share of the common property appurtenant to the flat mortgaged by the subsidiary proprietor as and when the mortgagee exercises his powers as mortgagee under the registered mortgage of the flat.

*[16/87; S 309/87]*

### **Accessory lot**

**15.**—(1) No accessory lot or any share, estate or interest therein shall be dealt with independently of the lot to which such accessory lot has been made appurtenant as shown on the relevant registered strata title plan.

(2) Any person who deals with any accessory lot or any share, estate or interest therein independently and not made as appurtenant to the lot which such accessory lot is shown on the relevant registered strata title plan as being appurtenant shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(3) Any assurance made in contravention of subsection (1) shall not be registered under this Act and any registration thereof shall be null and void and shall not pass any estate or interest in the accessory lot.

(4) Where such assurance has been registered, the Registrar on discovery thereof shall cancel the registration, and no person affected by such cancellation shall be entitled to any compensation from the assurance fund.

## **PART III**

### **RIGHTS AND OBLIGATIONS OF A SUBSIDIARY PROPRIETOR**

#### **Easement of support**

**16.**—(1) In respect of each lot there shall be implied —

- (a) in favour of the subsidiary proprietor of the lot, and as appurtenant thereto, an easement for the subjacent and

lateral support thereof by the common property and by every lot capable of affording support; and

- (b) as against the subsidiary proprietor of the lot, and to which the lot shall be subject, an easement for the subjacent and lateral support of the common property and to every other lot capable of enjoying support.

[16/87]

(2) The easement of support created by this section entitles the subsidiary proprietor of the dominant tenement to enter on the servient tenement to replace, renew or restore any support.

[16/87]

### **Easement of shelter**

**17.—**(1) Every subsidiary proprietor is entitled to have his lot sheltered by all other parts of the subdivided building that are capable of affording shelter.

[16/87]

(2) The right created by this section is an easement to which the aforesaid parts of the subdivided building are subject.

(3) The easement of shelter created by this section entitles the subsidiary proprietor of the dominant tenement to enter on the servient tenement to replace, renew or restore any shelter.

[16/87]

### **Easements for passage of water, sewerage, drainage and other services**

**18.** In respect of each lot there shall be implied —

- (a) in favour of the subsidiary proprietor of the lot, and as appurtenant thereto, 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 to the extent to which those sewers, pipes, wires, cables or ducts are capable of being used in connection with the enjoyment of the lot; and
- (b) as against the subsidiary proprietor of the lot, and to which the lot shall be subject, 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 sewers, pipes, wires, cables or ducts, as appurtenant to the common property and also to every other lot capable of enjoying such easements.

### **Easements for light over-hanging eaves and other projections**

**19.**—(1) In respect of each lot and the common property, there shall be implied in favour of the subsidiary proprietor of the dominant tenement and against the subsidiary proprietor of the servient tenement —

- (a) easement for uninterrupted access and use of light to or for any windows, doors or other apertures existing and enjoyed at the date of registration of the relevant strata title plan; and
- (b) the right to maintain and use over-hanging eaves and other projections existing at the date of registration of the relevant strata title plan.

[16/87]

(2) There shall be implied as appurtenant to the common property and subservient to any lot affected —

- (a) an easement for the provision of any service through any installation in any lot; and
- (b) an easement for support by any lot capable of providing support.

(3) This section shall also extend to a lot for which a subsidiary strata certificate of title has been issued before 15th April 1976.

[16/87]

### **Ancillary rights**

**20.** All ancillary rights and obligations reasonably necessary to make easements effective shall be implied whenever easements are created or implied by and under this Act.

### **Waiver of registration of statutory easements**

**21.** The easements implied or created by this Act take effect and are enforceable without any memorial or notification on the folios of the subsidiary strata land-register and section 97 (5) and (6) of the Land Titles Act (Cap. 157) does not apply to such easements.

**Creation of easements and restrictions**

**22.**—(1) The subsidiary proprietors may, by unanimous resolution passed at a meeting of the management corporation, direct the corporation —

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

(2) The management corporation, if it is satisfied that the resolution was duly passed, and that all persons having registered interests in the parcel have consented in writing to the manner of creating those interests in respect of the registered land comprised in the proposed disposition, shall execute the appropriate instrument and that instrument is valid and effective without any execution by any person having an interest in the parcel.

(2A) The receipt of the management corporation for any moneys payable to the management corporation under the instrument mentioned in subsection (2), is a sufficient discharge and exonerates the person taking under the instrument from seeing to the application or being answerable for any loss or misapplication of the moneys expressed to have been so received.

(3) Every instrument creating the easement or restrictive covenant lodged for registration shall be endorsed with or accompanied by a certificate in the prescribed form under the seal of the management corporation that the resolution was duly passed and that all necessary consents were given, and the certificate in favour of a purchaser and the Registrar shall be conclusive evidence of the facts stated therein.

(4) The Registrar shall register the instrument creating the easement or restrictive covenant by noting it on the registered strata title plan.

**Dispositions of common property**

**23.**—(1) The subsidiary proprietors may, by unanimous resolution passed at a general meeting of the management corporation, direct the management corporation to dispose of or transfer —

- (a) any part of the common property, being a parcel of land or part thereof;

- (b) a part of any building; or
- (c) any immovable property affixed to the common property.

[16/87]

(2) The management corporation, if it is satisfied that the resolution was duly passed, and that all persons (other than the subsidiary proprietors) having registered interests in the parcel have consented in writing to the release of those interests in respect of the registered land comprised in the proposed transfer, and that the relevant authority and the Registrar have consented in writing to the proposed transfer so far as it affects subdivision and amalgamation of the land comprised therein, shall execute the appropriate instrument.

(2A) The instrument mentioned in subsection (2) shall be valid and effective without execution by any person having an interest in the common property, and the receipt of the management corporation for any moneys payable to the management corporation under the instrument is a sufficient discharge, and shall exonerate the purchaser from seeing to the application or being answerable for any loss or misapplication of the moneys expressed to have been so received.

[16/87]

(3) Every instrument of such transfer lodged for registration shall be endorsed with or accompanied by a certificate in the approved form under the seal of the management corporation that the resolution was duly passed and that all necessary consents were given, and the certificate in favour of the purchaser and the Registrar shall be conclusive evidence of the facts stated therein.

(4) Upon registration of the transfer by the Registrar the part of the common property transferred shall be free from such subsisting easements created or implied under this Act and the Registrar shall —

- (a) enter a memorial of the transfer on the folio of the land-register comprising the parcel;
- (b) amend the registered strata title plan in such manner as the Registrar may think fit so as to show thereon the part of the common property which has been transferred; and
- (c) issue to the transferee a certificate of title for the land transferred.

[16/87]

**Vesting of part of common property in Government for roads, streets, road reserves, road widening, drainage reserves or for any other public use as shown on plans approved by relevant authority**

**24.—**(1) Where any part of land comprised in the common property of a parcel has been demarcated in any plan approved by the relevant authority for roads, streets, road reserves, road widening and drainage reserves or for any other public use, that part of the common property as demarcated for any of the above purposes shall become vested in the Government upon the lodgment of an instrument of vesting in the approved form by the public authority for registration with the Registrar.

(2) The Registrar, if satisfied that the instrument of vesting relates to part of the common property as shown in the plan approved by the relevant authority for any of the purposes mentioned in subsection (1) and that the instrument has been duly executed and certified by the public authority, shall, notwithstanding that any part of a building within one or more lots is erected on, over or under any part of such common property, register the instrument on the relevant folio of the land-register without production of the duplicate instrument.

(2A) Upon registration under subsection (2) the estate or interest in the part of the common property comprised in the instrument of vesting shall vest in the Government freed and discharged from all encumbrances and from any subsisting easements.

(3) On registration of the instrument of vesting, the Registrar shall cancel the registration of any mortgage, charge or lease thereby overreached and make the appropriate entries in the registered strata title plan comprising the common property.

(4) The land thereby vested in the Government shall cease to be subject to the provisions of the Land Titles Act (Cap. 157) and the Registrar shall enter an appropriate notification to that effect on the relevant folio of the land-register, and create a new folio for the balance of the common property which remains vested in the subsidiary proprietors.

**Addition to common property**

**25.—**(1) The subsidiary proprietors may by a special resolution at a meeting convened by the management corporation direct the management corporation to accept a transfer —

- (a) of any land or part thereof, free from any encumbrances (except those created by statute and subsisting easements) so that such land or part thereof shall form part of the common property in favour of the subsidiary proprietors; or
  - (b) of any lot, including the undivided share in the common property appurtenant to that lot, free from any encumbrances (except those created by statute and subsisting easements) so that such lot shall form part of the common property in favour of the subsidiary proprietors of the other lots shown in the same registered strata title plan; except that the prior approval in writing of the relevant authority and the Registrar shall be obtained for the transfer of any lot for this purpose.
- (2) The transfer lodged for registration shall contain a request to the Registrar that such land or part thereof, or the lot transferred, as the case may be, be included as part of the common property.
- (3) Upon registration of such transfer the Registrar shall —
  - (a) enter a memorial of the transfer on the folio of the land-register and the registered strata title plan comprising the parcel;
  - (b) amend the registered strata title plan in such manner as the Registrar may think fit so as to show thereon the transferred land or part thereof or the lot transferred as forming part of the common property;
  - (c) in the case where the lot is transferred, delete the share value of that lot shown on the registered strata title plan and decrease the total number of share value equal to the aggregate share entitlement by amending such aggregate number shown on the registered strata title plan; and
  - (d) upon such amendment being made the Registrar shall notify the Commissioner of the aggregate share entitlement and the consequent share entitlement of each subsidiary proprietor.
- (4) Upon registration of the transfer by the Registrar —
  - (a) the transferred land or the transferred lot, as the case may be, shall form part of the common property and the provisions of the Act applicable to common property as



varied by this section shall apply to such transferred land or lot;

- (b) the subsidiary proprietors shall hold the common property (including the transferred land or lot) as tenants-in-common in accordance with their respective share units as determined under subsection (3); and
- (c) without any further assurance the subsidiary proprietors shall hold the common property in the following manner:
  - (i) where the tenure of the transferred land is similar to that of the common property held by the subsidiary proprietors prior to the date of the registration of the transfer of such land, the subsidiary proprietors shall hold the common property (including the transferred land) for the same term and tenure as tenants-in-common in the manner as provided in paragraph (b);
  - (ii) where the tenure of the transferred land is not similar to that of the common property held by the subsidiary proprietors prior to the date of the registration of the transfer of such land, the subsidiary proprietors shall hold the entire term and tenure transferred to and accepted by the management corporation on behalf of the subsidiary proprietors as tenants-in-common in the manner as provided in paragraph (b);
  - (iii) where a lot is transferred, the term and tenure of that lot which comprises the additional common property shall be held for the same term and tenure as that of the lots held by the subsidiary proprietors prior to the date of the registration of the transfer; and
  - (iv) if there is a subsisting registered mortgage, charge, lease or sub-lease or any other encumbrance on the lot of a subsidiary proprietor, the undivided share or shares in the transferred land or transferred lot forming the additional common property shall be held by the subsidiary proprietor of the said lot subject to the same mortgage, charge, lease or sub-lease or any other such subsisting encumbrance.

**Amalgamation of whole of common property comprised in 2 or more parcels**

**26.**—(1) Where there are 2 or more management corporations established upon the registration of separate strata title plans by the Registrar, the subsidiary proprietors being members of these management corporations (referred to in this section as the transferor management corporations) may by their respective special resolutions at the meetings convened by the transferor management corporations direct that for the purpose of amalgamating the common property within the parcels which are of the same tenure and held by them as tenants-in-common in undivided shares, the relevant transferor management corporations shall execute an instrument of transfer of these parcels so that such parcels shall become vested as one parcel in all the subsidiary proprietors as tenants-in-common in so far as these parcels affect the common property.

(1A) Upon registration of the instrument of transfer, such common property shall be amalgamated and held in the shares proportionate to their respective share units subject to the same covenants, conditions and encumbrances, and for the same term and tenure then held by the subsidiary proprietors in respect of their respective lots prior to the date of the registration of the transfer by the Registrar.

(2) Such transfer shall show the undivided proportionate shares to be held by each subsidiary proprietor named therein and shall be executed by the relevant transferor management corporations.

(3) The procedure laid down in section 23 (2), (2A), (3) and (4) shall apply, with the necessary modifications, to the transferor management corporations and the subsidiary proprietors of the parcels to be amalgamated under this section.

(4) Upon the amalgamation of the common property pursuant to the registration of the transfer by the Registrar —

(a) the transferor management corporations shall be amalgamated into a single management corporation (referred to in this section as the transferee management corporation) which shall be responsible for all matters relating to the management of the subdivided buildings and the common property relating thereto;

- (b) all the members of the transferor management corporations shall be the members of the transferee management corporation;
  - (c) all the members of the management councils of the transferor management corporations shall, until a new management council is elected for the transferee management corporation, be deemed to be the members of the management council of the transferee management corporation;
  - (d) all the properties of the transferor management corporations shall be deemed to be transferred to and vested in, and all the liabilities of the transferor management corporations shall be transferred to and become the liabilities of, the transferee management corporation; and
  - (e) all legal proceedings pending by or against the transferor management corporations may be continued by or against the transferee management corporation.
- (5) In this section —
- “liabilities” includes duties;
- “properties” includes rights and powers of every description.

**Application made by subsidiary proprietor to court**

**27.**—(1) Notwithstanding sections 23, 25 and 26, a subsidiary proprietor may make an application to the court for an order to direct the management corporation or management corporations to —

- (a) transfer a part of the common property;
  - (b) accept a transfer of any land or part thereof or any lot so that the land or part thereof or lot shall form part of the common property; or
  - (c) amalgamate the common property of 2 or more management corporations.
- (2) When an application has been made to the court under subsection (1), the court, on being satisfied that it is impracticable to convene a meeting to pass the required resolution and that having regard to the rights and interests of the subsidiary proprietors and

the persons having registered interests in the common property as a whole it is just and equitable that —

- (a) the transfer of the part of the common property should be made;
- (b) any land or part thereof or lot should form part of the common property; or
- (c) the common property of 2 or more management corporations should be amalgamated,

may make an order directing the management corporation or management corporations to transfer such part of the common property, accept the transfer of the land or part thereof or lot, or execute an instrument of transfer of 2 or more parcels so that such parcels shall become vested as one parcel in all the subsidiary proprietors as tenants-in-common in so far as these parcels affect the common property, as the case may be, and lodge the transfer with the Registrar.

(3) Every instrument of such transfer or acceptance of a transfer lodged for registration shall be accompanied by a certified true copy of the order of court directing such transfer or acceptance of a transfer and where the approval of the competent authority is required for any subdivision and amalgamation of any land or common property, a true copy of the approval given by the competent authority shall be lodged with such instrument.

[23/82]

(4) Upon the registration of the transfer by the Registrar —

- (a) in the case of a disposition of all or part of the common property, all subsidiary proprietors and other persons having registered interests in the common property shall be bound to accept the terms of the order of court and section 23 (4) shall apply, with the necessary modifications, to such transfer;
- (b) in the case of an addition to the common property, section 25 (3) and (4) shall apply, with the necessary modifications, to such transfer; and
- (c) in the case of the amalgamation of the common property of 2 or more management corporations, section 23 (4) and section 26 (2), (4) and (5) shall apply, with the necessary modifications, to such amalgamation.

**Limitation Act not to extend to common property**

**28.** No action shall be brought by any person claiming title by adverse possession to the common property of a parcel or to any accessory lot or any part thereof created under this Act and the provisions of the Limitation Act (Cap. 163) relating to adverse possession shall not extend to such common property and accessory lot.

**Unity of seisin not to affect easements, etc.**

**29.** Unity of seisin in 2 or more lots does not destroy easements or restrictions implied or created by this Part, but on the cessation of such unity they continue in full force and effect as if the seisin had never been united.

**Share values**

**30.—(1)** Each lot including a provisional lot (except an accessory lot where no share value shall be allotted) shown in every plan lodged for registration as a strata title plan shall have its share value determined as shown in the strata title plan.

[16/87]

(2) The share value of a lot shall determine —

- (a) the voting rights of the subsidiary proprietors;
- (b) the quantum of the undivided share of each subsidiary proprietor in the common property; and
- (c) the amount of contributions levied by a management corporation on the subsidiary proprietors of all the lots in a subdivided building.

[16/87]

**Provisional lots**

**31.—(1)** No assurance of any provisional lot for which a subsidiary strata certificate of title is issued shall be registered under this Act and the Registrar shall enter an appropriate caution on the relevant subsidiary strata certificate of title prohibiting any assurance of the provisional lot comprised therein from being registered.

[23/82]

(2) Where an assurance of any provisional lot has been registered, such registration shall not pass any title or interest in the said

provisional lot, and the Registrar shall, on discovery of the registration, cancel the registration, and no person affected by such cancellation shall be entitled to any compensation from the assurance fund.

(3) The subsidiary proprietor of a provisional lot shall be required to lodge the relevant duplicate subsidiary strata certificate of title and an application with the Registrar for the cancellation of the Registrar's caution referred to in subsection (1) immediately after the relevant authority has certified to the effect that all buildings within the provisional lot have been completed to the satisfaction of the relevant authority.

(4) The Registrar, after receipt of the application lodged for cancellation of the Registrar's caution referred to in subsection (1) and being satisfied that all buildings within the provisional lot have been completed to the satisfaction of the relevant authority, shall cancel the caution endorsed on the subsidiary strata certificate of title and make the appropriate deletion of the word "provisional" wherever it appears as relating to that provisional lot in the records maintained by the Registrar, and thereupon that provisional lot shall constitute a lot under this Act.

(5) Where the word "provisional" has been deleted by the Registrar under subsection (4), any part of the lot which is capable of forming part of the common property comprised within the same parcel as shown in the strata title plan which was first registered with the Registrar shall form part of the common property in relation to all the lots comprised within the same parcel as described in the strata title plan registered with the Registrar without the need for a resolution made under section 25 directing the management corporation concerned to accept a transfer of such part of the lot to form part of the common property.

(6) Except as provided in subsections (1), (2) and (3), the provisions of this Act relating to a lot shall apply in all respects to a provisional lot.

(7) For the purposes of this section, "assurance" shall not include any mortgage or charge or any application for vesting made under this Act.

[16/87]

**Restrictions on subsidiary proprietor's rights**

**32.** Any term or condition contained in a lease, granted in respect of a lot (whether created before, on or after 15th April 1976) creating a leasehold interest of a term of not less than 21 years computed as from the date of the lodgment of the lease with the Registrar, which seeks to deprive or deny the lessee under the lease of his rights to exercise the powers conferred upon him by this Act as the subsidiary proprietor of the lot relating to the management of the subdivided building and the common property shall have no effect.

[16/87]

**PART IV****MANAGEMENT OF SUBDIVIDED BUILDING***Division 1 — Management Corporations***Constitution of management corporations**

**33.—**(1) The subsidiary proprietors from time to time of the lots in a subdivided building comprised in a strata title plan shall, by virtue of this Act, upon registration of the strata title plan —

- (a) constitute a body corporate capable of suing and being sued and having perpetual succession and a common seal; and
- (b) be called “The Management Corporation — Strata Title Plan No.\_\_\_\_” (the number to be specified being the registered number of the strata title plan).

[16/87]

(2) The management corporation may —

- (a) sue and be sued on any contract made by it;
- (b) sue and be sued in respect of any matter affecting the common property;
- (c) sue in respect of any loss or damage suffered by a management corporation arising out of a contract or otherwise; and
- (d) be sued in respect of any matter connected with the parcel for which the subsidiary proprietors are jointly liable.

(3) In respect of any subdivided building or buildings comprised in a strata title plan, the management corporation concerned shall have

the powers, duties and functions conferred or imposed on it by or under this Act, or by the by-laws and, subject to this Act, shall have the control, management and administration of the common property.

(4) The Registrar may upon payment of the prescribed fee issue to a management corporation a certificate stating that the management corporation is a body corporate constituted under this Act on the day specified therein.

(5) Nothing in this section shall be construed as prohibiting a management corporation from adding the name of the subdivided building to its official name.

(6) In this section, “subsidiary proprietors” includes the persons entitled to the land on which the subdivided building is erected pursuant to the termination of the strata subdivision scheme under section 78 or 81.

[16/87]

### **Duties of proprietor**

**34.** Upon the establishment of the management corporation, the proprietor shall —

- (a) forthwith open a bank account in the name of the management corporation and shall pay into the account any surplus moneys in the maintenance fund set up by the proprietor under section 9 of the Buildings and Common Property (Maintenance and Management) Act (Cap. 30) for the maintenance of the subdivided building and the common property prior to the establishment of the management corporation; and
- (b) cause to be kept such accounting and other records as will sufficiently explain the transactions and financial position of the management corporation and enable true and fair profit and loss accounts and balance-sheets and any documents required to be attached thereto to be prepared for the period commencing from the date of registration of the strata title plan and ending on a date not earlier than 3 months before the first annual general meeting and shall cause those records to be kept in such manner as to enable them to be conveniently and properly audited.

[16/87]



**Contributions payable by subsidiary proprietors**

**35.**—(1) Where the first annual general meeting of a management corporation has not yet been convened, the subsidiary proprietor of each of the lots in the subdivided building concerned shall, commencing from the date of the registration of the strata title plan, pay to the management corporation any sum which has been approved by the Commissioner as the amount payable for the maintenance of the subdivided building and the common property.

(2) The sum referred to in subsection (1) shall be deemed to be the amount determined by the management corporation as the contributions payable by the subsidiary proprietors to the management fund of the management corporation.

[16/87]

**Common seal of management corporation**

**36.**—(1) The common seal of a management corporation shall be kept —

- (a) where the management corporation is constituted by one subsidiary proprietor — by that subsidiary proprietor; or
- (b) where the management corporation is constituted by 2 or more subsidiary proprietors — by such subsidiary proprietor or member of the council as the management corporation determines or, in the absence of any such determination, by the secretary of the council.

[16/87]

(2) The common seal of a management corporation shall only be affixed to an instrument or document in the presence of —

- (a) where the management corporation is constituted by one or 2 subsidiary proprietors — that subsidiary proprietor or those subsidiary proprietors, as the case may be; or
- (b) where the management corporation is constituted by more than 2 subsidiary proprietors — such 2 persons, being subsidiary proprietors or members of the council, as the management corporation determines or, in the absence of any such determination — the secretary and any other member of the council,

who shall sign the instrument to which the seal is affixed.

[16/87]

**Meetings of management corporation**

**37.**—(1) Within one month of the expiry of the initial period or within 6 weeks of the receipt of a request in writing made by the subsidiary proprietors of not less than 10% of the total number of lots in the subdivided building concerned, whichever is the earlier, the proprietor, whether or not he is a subsidiary proprietor at the time he does so, shall convene a meeting of the management corporation within that month or the said period of 6 weeks, as the case may be.

[16/87]

(2) The agenda for a meeting convened under subsection (1) shall consist of the following items:

- (a) to decide whether insurances effected by the management corporation should be varied or extended;
- (b) to determine the amount to be raised for the management fund and the sinking fund;
- (c) where there are more than 3 subsidiary proprietors, to determine the number of members of the council and to elect the council;
- (d) to decide what matters, if any, shall be determined only by the management corporation in general meeting;
- (e) to appoint a managing agent, if the management corporation so desires, and to determine which powers, duties or functions of the management corporation should be delegated to him; and
- (f) to receive and, if thought fit, to adopt the audited accounts of the management corporation for the period commencing from the date of registration of the strata title plan and ending on a date not earlier than 3 months before the meeting.

(3) The meeting convened under subsection (1) shall be the first annual general meeting of the management corporation.

(4) The proprietor of the land comprised in a strata title plan shall deliver to the management corporation at its first annual general meeting —

- (a) all plans, specifications, certificates (other than certificates of title for the lots), diagrams and other documents obtained or received by him and relating to the parcel or building; and

- (b) if they are in his possession or under his control, any notices or other records relating to the subdivided building,

other than any such documents which exclusively evidence rights or obligations of the proprietor and which are not capable of being used for the benefit of the management corporation or any of the subsidiary proprietors, other than the proprietor.

(5) If a meeting of the management corporation is not convened in accordance with subsection (1), the Commissioner may, pursuant to an application made by a subsidiary proprietor or a mortgagee of a lot, by order appoint a person to convene a meeting of the management corporation within such time as may be specified in the order and the meeting convened by that person shall for the purposes of subsection (3) be deemed to be the meeting convened under subsection (1).

(6) An order made under subsection (5) may include such ancillary or consequential provisions as the Commissioner thinks fit.

(7) Notwithstanding the provisions of the Third Schedule, where an order made under subsection (5) so provides —

- (a) the person appointed to convene a meeting of the management corporation by the order shall preside at the meeting and, while he so presides, shall be deemed to be the chairman of the management corporation; and
- (b) notice of that meeting may be given in the manner specified in the order.

(8) Any person who fails to comply with subsection (1) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

[16/87]

### **Annual general meetings**

**38.—**(1) After the first annual general meeting has been held, a general meeting of a management corporation, to be called the annual general meeting, shall be held in each calendar year and not more than 15 months after the holding of the last preceding annual general meeting.

[16/87]

(2) If default is made in holding an annual general meeting the management corporation and every member of the council who is in default shall be guilty of an offence.

[16/87]

### **Convening of extraordinary general meeting on requisition**

**39.**—(1) The council of a management corporation shall, on receipt by the secretary of the management corporation of a requisition for an extraordinary general meeting signed by —

- (a) one or more persons entitled to vote in respect of one or more lots, the share value or the sum of the share value of which is at least 20% of the aggregate share value of all the lots in the subdivided building; or
- (b) not less than 25% of the total number of subsidiary proprietors of the lots in the subdivided building,

forthwith proceed to convene an extraordinary general meeting of the management corporation to be held as soon as practicable but in any case not later than 6 weeks after the receipt by the secretary of the requisition.

[16/87]

(2) The requisition shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the registered address of the management corporation, and may consist of several documents in like form each signed by one or more requisitionist.

(3) If the council does not within 14 days after the date of the deposit of the requisition proceed to convene a meeting, the requisitionists, or any one of them representing more than 50% of the total voting rights of all of them, may themselves, in the same manner as nearly as possible as that in which meetings are to be convened by the council, convene a meeting, but any meeting so convened shall not be held after the expiration of 3 months from that date.

(4) Any reasonable expenses incurred by the requisitionists by reason of the failure of the council to convene a meeting shall be paid to the requisitionists by the management corporation.

[16/87]

### **Voting at general meetings**

**40.** The Third Schedule shall have effect with respect to general meetings of, and voting at the general meetings of, a management

corporation except that paragraph 2 (1) thereof shall not apply to the first annual general meeting.

[16/87]

### **By-laws for regulation of subdivided building**

**41.**—(1) Every subdivided building shown in a strata title plan shall be regulated by by-laws which shall provide for the control, management, administration, use and enjoyment of the lots and the common property.

[16/87]

(2) The by-laws shall include the by-laws set out in the First Schedule which shall not be amended or revoked by the management corporation.

(3) A management corporation may, under a special resolution, make by-laws, not inconsistent with the by-laws set out in the First Schedule, for regulating the control, management, administration, use and enjoyment of the subdivided building and the common property.

(4) Without limiting the operation of any other provision of this Act, the by-laws for the time being in force bind the management corporation and the subsidiary proprietors and any mortgagee in possession (whether by himself or any other person), or lessee or occupier, of a lot or part thereof to the same extent as if the by-laws had been contained in properly executed agreements on the part of —

- (a) the management corporation with each subsidiary proprietor, mortgagee, lessee and occupier of a lot or part thereof, respectively; and
- (b) each subsidiary proprietor, mortgagee, lessee and occupier of a lot or part thereof with the subsidiary proprietor, mortgagee, lessee or occupier of the other lots in the same parcel,

to observe and comply with all the by-laws.

(5) A lease of a lot or part thereof shall be deemed to contain an agreement by the lessee that he will comply with the by-laws for the time being in force.

(6) The management corporation shall —

- (a) keep a record of the by-laws in force from time to time;

- (b) display a copy of the by-laws in the First Schedule and any other by-laws made by the management corporation on a notice board maintained by the management corporation on the common property;
  - (c) on receipt of an application in writing made by a subsidiary proprietor or by a person duly authorised to apply on behalf of a subsidiary proprietor for a copy of the by-laws which are in force, supply to such subsidiary proprietor or duly authorised person at a reasonable cost a copy of the by-laws; and
  - (d) on the application of any person who satisfies the management corporation that he has a proper interest in so applying, make the by-laws available for his inspection.
- (7) No by-law shall be capable of operating —
- (a) to prohibit or restrict the devolution of a lot or a transfer, lease, mortgage or other dealing of a lot; or
  - (b) to destroy or modify any easement expressly or impliedly created by or under this Act.
- (8) Without limiting the generality of any other provision of this section, a management corporation may —
- (a) with the consent in writing of the subsidiary proprietor of a lot, pursuant to a unanimous resolution, make a by-law in respect of that lot conferring on that subsidiary proprietor the exclusive use and enjoyment of, or special privileges in respect of, the common property or any part thereof upon such terms and conditions (including the proper maintaining and keeping in a state of good and serviceable repair of the common property or that part of the common property, as the case may be, and the payment of money by that subsidiary proprietor to the management corporation) as may be specified in the by-law; and
  - (b) pursuant to a unanimous resolution, make a by-law amending, adding to or revoking any by-law made under this subsection.
- (9) Any by-law referred to in subsection (8) shall, while it remains in force, take effect as appurtenant to, and for the benefit of, the lot in respect of which it was made.

(10) The subsidiary proprietor for the time being of a lot in respect of which a by-law referred to in subsection (8) is in force —

- (a) shall, subject to section 54 (3), be liable to pay the management corporation any moneys referred to in the by-law in accordance with the by-law; and
- (b) shall, unless excused by the by-law, be responsible for the performance of the duties of the management corporation under section 48 (1) in respect of the common property, or the part of the common property, to which the by-law relates.

(11) Any moneys payable by a subsidiary proprietor to the management corporation under a by-law referred to in subsection (8) may be recovered as a debt by the management corporation in any court of competent jurisdiction.

(12) A copy of every by-law made by the management corporation and every modification or amendment of any by-law for the time being in force, certified as a true copy under the seal of the management corporation, shall be lodged by the management corporation with the Commissioner within 30 days of the passing of the resolution by the management corporation approving the making of such by-law or any modification or amendment of any existing by-law.

(13) Any by-law, and any modification or amendment of any existing by-law, made by the management corporation shall not come into force until a copy thereof has been lodged with the Commissioner.

(14) The management corporation or the subsidiary proprietor, mortgagee in possession, lessee or occupier of a lot shall be entitled to apply to the court —

- (a) for an order to enforce the performance of or restrain the breach of any by-law by; or
  - (b) to recover damages for any loss or injury to person or property arising out of the breach of any by-law from,
- any person bound to comply therewith, the management corporation or the managing agent.

(15) The court may make such order against any such person, the management corporation or the members of its council, or the managing agent, as the court thinks fit.

(16) Any person who commits a breach of any of the by-laws in Part II of the First Schedule or makes default in complying with any of those by-laws, and every subsidiary proprietor who is knowingly a party to the breach or default, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(17) In this section, “lease” includes a tenancy agreement.

[16/87]

### **Levies by management corporation**

**42.—**(1) A management corporation may levy the contributions determined by it in accordance with section 48 (1) (*m*) and (*n*) and the contributions referred to in section 48 (1) (*r*) by serving on the subsidiary proprietors notice in writing of the contributions payable by them in respect of their respective lots.

[16/87]

(2) Contributions levied by a management corporation shall be levied in respect of each lot and shall, subject to subsections (3), (5) and (6), be payable by the subsidiary proprietors in shares proportional to the share value of their respective lots.

(3) Where a lot is shown on the strata title plan as a provisional lot, the contributions payable by the subsidiary proprietor of that lot shall, during the period when any building in that lot is being erected or is not yet completed, be reduced by 75%.

(4) For the purposes of subsection (3), a building in a provisional lot shall be deemed to be completed when a temporary occupation licence has been issued by the competent authority for any flat in the building.

(5) Where a lot has been subdivided into 2 or more lots and the management corporation will incur additional expenditure in maintaining the new facilities or common property arising from the subdivision of the first-mentioned lot, the management corporation may levy such additional contributions as may be approved by the Commissioner on the subsidiary proprietor or his successors in title in order to recover the additional expenditure.

[S 309/87]

(6) Where any change of use in respect of a lot has been approved by the competent authority, the management corporation may levy such additional contributions as may be approved by the Commissioner on the subsidiary proprietor of that lot.

[S 309/87]



(7) The Commissioner shall give a subsidiary proprietor an opportunity of being heard before giving his approval for any additional contributions to be levied under subsection (5) or (6).

(8) In respect of any contribution levied under subsection (1), (5) or (6) and the interest thereon, a subsidiary proprietor of a lot shall, subject to section 54 (3), be liable jointly and severally with any person who was liable to pay that contribution and interest when the contribution became due and payable, to pay the contribution and interest to the management corporation.

(8A) A person who has ceased to be a subsidiary proprietor of the lot shall only be liable to pay the contribution which was unpaid at the time he ceased to be a subsidiary proprietor and the interest accruing on the unpaid contribution until such time as it is paid.

(9) Without affecting the liability of the subsidiary proprietor of a lot in respect of any contribution levied under this section, where a mortgagee is in possession (whether by himself or any other person) of a lot, he shall be liable jointly and severally with the subsidiary proprietor of the lot which he is in possession for any contribution levied on that subsidiary proprietor in accordance with this Act but shall not be so liable in respect of any such contribution unless notice in writing of the levy of the contribution has been served on him.

(10) Any contribution levied under this section —

- (a) shall become due and payable to the management corporation without any deduction whatsoever in accordance with the decision of the management corporation to make the levy;
- (b) if not paid within 30 days when it becomes due and payable, shall bear interest at the rate determined by the management corporation and such interest shall accrue from the expiry of 30 days after the date when the contribution becomes due and payable unless the management corporation determines in general meeting (either generally or in a particular case) that any unpaid contribution shall bear no interest; and
- (c) may be recovered, as a debt, by the management corporation in any court of competent jurisdiction.

(10A) Any interest paid under subsection (10) shall form part of the fund to which the contribution belongs.

(11) Where any contribution and interest thereon levied under this section is not paid within 30 days when it becomes due and payable, the management corporation may serve a written demand on a subsidiary proprietor of the lot in respect of which the contribution is levied.

(12) A subsidiary proprietor who fails to pay any contribution or interest due and owing to a management corporation within 14 days from the date of service of the written demand referred to in subsection (11) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and to a further fine not exceeding \$100 for every day during which the contribution or interest remains unpaid after conviction.

(12A) The court before which such conviction is had may, in addition to such fine, order the subsidiary proprietor to pay to the management corporation the amount of any contribution together with any interest due thereon or any interest certified by the management corporation to be due from such person at the date of his conviction and such amount may be recovered according to any written law for the time being in force for the recovery of fines.

(13) Any contribution levied by a management corporation under this section shall be deemed to be money payable under a contract for the provision of services and a management corporation may lodge a claim for the payment of such contribution with a Small Claims Tribunal in accordance with the provisions of the Small Claims Tribunals Act (Cap. 308).

(14) For the purposes of this section, “subsidiary proprietor” includes —

- (a) a mortgagee in possession and the person for the time being receiving the rent of the lot, whether as agent or trustee or as receiver, or who would receive the rent if the lot were let to a tenant; and
- (b) the person whose name is included in the Valuation List referred to in the Property Tax Act (Cap. 254) as the owner of the lot for the purposes of that Act.

[16/87]

### **Recovery of contribution from sale of lot**

**43.—**(1) Where —

- (a) any contribution is levied under section 42; or

(b) an amount is recoverable by the management corporation from the subsidiary proprietor of a lot under section 45, and such contribution or amount remains unpaid on the expiry of a period of 30 days after the management corporation has served a written demand for the contribution or amount, that contribution or amount including any interest thereon (if any) shall constitute a charge on the lot in favour of the management corporation upon lodgment of an instrument of charge by the management corporation with and the registration thereof by the Registrar.

[16/87]

(2) Upon registration of the instrument of charge by the Registrar —

- (a) the management corporation shall, subject to subsection (3), have the power of sale and all other powers relating or incidental thereto as if such management corporation is a registered mortgagee; and
  - (b) the contribution or amount due (including interest thereon) shall be subject to all statutory charges of any public authority over the lot and to all encumbrances registered or notified prior to the date of lodgment of that instrument of charge except that in the case where a prior registered mortgagee or chargee has sold the lot in exercise of his power of sale, the registered charge of the estate or interest of the lot when transferred to a purchaser by the mortgagee or chargee shall not be over-reached by the exercise of the power of sale by the mortgagee or chargee of a prior registered mortgage or charge.
- (3) The management corporation shall not proceed to sell the lot under subsection (2) (a) unless —
- (a) a special resolution has been passed by the management corporation to have the lot sold;
  - (b) a notice of the intended sale has been published once in one or more daily newspapers approved by the Registrar;
  - (c) during the period of 6 weeks after the date of such publication no payment has been received for the contribution or amount due including interest thereon and the cost of publication specified in paragraph (b) as well as any other necessary incidental charges; and

- (d) there is no legal action pending in court to restrain the management corporation from proceeding with the sale.

(4) Where a transfer of any lot has been made by the management corporation in the exercise of its power of sale as a chargee under subsections (2) and (3) and lodged with the Registrar for registration —

- (a) such transfer shall not be accepted for registration unless there has been lodged with the Registrar —

- (i) a certified true copy of the special resolution of the management corporation authorising the exercise of its power of sale with the seal of the management corporation affixed thereto in the presence of 2 members of the council of the management corporation;
  - (ii) a copy of every publication containing the notice referred to in subsection (3) (b); and
  - (iii) a statutory declaration made by the members of the council of the management corporation referred to in sub-paragraph (i) jointly stating that the contribution and interest due thereon including all necessary incidental charges owing to the management corporation as at the date of the contract for the sale of the lot have not been paid and that there is no legal action pending in court to restrain the management corporation from proceeding with the sale of the lot; and

- (b) neither the person who purchased the lot from the management corporation nor the Registrar shall be concerned to inquire into the regularity or validity of the sale or transfer.

(5) Where the management corporation has wrongfully exercised its power of sale without having verified that the contributions and interest thereon subject to the statutory charge are still outstanding, every member of the council of the management corporation who voted in favour of the special resolution which was passed for the purpose of exercising the power of sale shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(6) Where an instrument of charge has been registered against a lot under this section, the subsidiary proprietor of the lot shall —

- (a) upon payment of the amount of the contribution or amount due including interest thereon and any necessary incidental charges to the management corporation before it has exercised its power of sale conferred by this section, be entitled to an instrument of discharge executed and acknowledged by the management corporation as to the receipt of such payment; and
- (b) upon registration of the instrument of discharge or, in the event of the management corporation refusing to execute a discharge, an order of court declaring that the lot shall be discharged from the charge, the lot shall be freed from the charge constituted under this section.

(7) For the purpose of registration of a charge, discharge or transfer under this section, the Registrar may dispense with the production of the relevant duplicate subsidiary strata certificate of title.

(8) Notwithstanding section 80 of the Land Titles Act (Cap. 157) and section 15 of the Registration of Deeds Act (Cap. 269), where further contributions and interest thereon are due to the management corporation after the registration of an instrument of charge under this section, the amount of contributions due (including interest thereon) shall rank in priority to any other claims as if the contributions were due at the date of the registration of the charge.

(9) A charge under subsection (2) shall continue in force until all the contributions (including interest thereon) secured by the charge have been paid.

(10) This section shall not affect the rights and powers conferred on the management corporation by sections 42 (7) and 45 to recover the contribution or amount due and all interest thereon including any legal costs and incidental charges necessarily incurred for the recovery of the contribution or amount in respect of any lot as a debt from the subsidiary proprietor of, or his successor in title to, the lot.

*[16/87; S 309/87]*

(11) In this section, “public authority” means the Government, the Collector of Land Revenue, the Comptroller of Property Tax, and any other person, corporation or body, authorised or empowered by any written law to attach, sell or acquire land compulsorily.

**Liability of members for debts of management corporation**

**44.**—(1) The payment of any expenditure lawfully incurred by the management corporation in the course of the exercise of any of its powers or functions or the carrying out of its duties or obligations shall, by virtue of this section, be guaranteed by the persons who, for the time being and from time to time, are the members of the management corporation.

(2) The subsidiary proprietor of a lot shall be liable only to pay the amount which he would have to pay if contributions were levied by the management corporation under section 42 to raise the necessary sum for the payment of the expenditure.

[16/87]

**Power of management corporation to carry out work**

**45.**—(1) Where a notice has been served on the subsidiary proprietor of a lot by a public authority requiring that subsidiary proprietor to carry out any work on or in relation to that lot and the notice is not complied with, the management corporation may carry out the work.

[16/87]

(2) Where a subsidiary proprietor, mortgagee in possession, lessee or occupier of a lot fails or neglects to carry out any work —

- (a) required to be carried out by him under a term or condition of a by-law referred to in section 41 (8);
- (b) necessary to remedy a breach of the duty imposed on him by section 57 (a); or
- (c) to rectify any defect in any water pipe, sewer pipe within his lot or any cracks in the wall or floor within his lot,

the management corporation may carry out that work.

(3) Where the management corporation carries out any work on or in relation to a lot or common property under subsection (1) or (2), it may recover the cost of so doing, as a debt —

- (a) from the subsidiary proprietor, mortgagee in possession, lessee or occupier referred to in subsection (1) or (2); or
- (b) where the work is carried out —
  - (i) under subsection (1) or (2) (b), from any person who, after the work is carried out, becomes the subsidiary proprietor of the lot on or in relation to which the work was carried out; or

- (ii) under subsection (2) (a), from any person who, after the work is carried out, becomes the subsidiary proprietor of the lot in respect of which the by-law referred to in subsection (2) (a) was made.

(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.

[21/99]

(4) Where —

- (a) any part of a building comprised in a lot contains any structural defect which affects or is likely to affect the support or shelter provided by that lot for another lot in that building or the common property; or
- (b) any defect occurs in any pipes, wires, cables or ducts referred to in section 57 (a) (ii) within a lot,

and the defect is not due to any breach of the duty imposed on any person by section 57 (a), the management corporation shall carry out such work as is necessary to rectify the defect and may recover the cost of such work from any person who has a duty to remedy the defect as a debt in any court of competent jurisdiction.

[21/99]

(5) Where the management corporation incurs any expenditure or performs any repairs, works or acts that it is required or authorised by this Part or by any other written law to perform (whether or not the expenditure was incurred or the repairs, works or acts were performed consequent upon the service on it by any Government or statutory authority of any notice or order) and the expenditure or the repairs, works or acts were rendered necessary by reason of any wilful or negligent act or omission on the part of, or breach of any provision of its by-laws by, any person or his tenant, lessee, licensee or invitee, the amount of that expenditure expended by it in performing the repairs, works or acts shall be recoverable by it from that person as a debt in an action in any court of competent jurisdiction.

[16/87]

### **Change of management corporation's address**

**46.—**(1) A management corporation may, in general meeting, decide that the address, as shown on the records maintained by the

Registrar, for the service of notices on the management corporation shall be changed.

[16/87]

(2) Where a management corporation has, under subsection (1), decided that the address for the service of notices on it shall be changed, the management corporation shall forthwith notify the Registrar and the Commissioner of the change and the Registrar shall amend the registered strata title plan accordingly.

[16/87]

### **Agreement for payment to subsidiary proprietor of consideration on transfer or lease of common property**

**47.** A management corporation may, pursuant to a unanimous resolution, make an agreement with a subsidiary proprietor with respect to the payment to him of the whole or any part of the consideration under any transaction proposed to be entered into by the management corporation under Part III or under a by-law referred to in section 41 (8).

[16/87]

### **Duties of management corporation**

**48.—**(1) A management corporation shall, for the purposes of the subdivided building concerned —

- (a) control, manage and administer the common property for the benefit of all the subsidiary proprietors;
- (b) properly maintain and keep it in a state of good and serviceable repair —
  - (i) the common property; and
  - (ii) any property vested in the management corporation;
- (c) where necessary, renew or replace any fixtures or fittings comprised in the common property and any property vested in the management corporation;
- (d) when so directed by a special resolution, install or provide additional facilities or make improvements to the common property for the benefit of the subsidiary proprietors;
- (e) effect insurance in accordance with this Act;
- (f) comply with any notice or order made by any competent authority, public authority or statutory authority requiring the abatement of any nuisance on the common property or



ordering repairs or other work to be done in respect of the common property or any building or other improvement on the parcel;

- (g) comply with any such notice or order as is referred to in paragraph (f) given or made in respect of any of the lots, if the subsidiary proprietor fails to do so within a reasonable time;
- (h) pay the rent, if any, on the land on which the subdivided building is erected;
- (i) cause proper records to be kept of notices given to the management corporation under this Act or any written law or of any orders made by a court and served on the management corporation;
- (j) cause proper books of account to be kept in respect of moneys received or expended by the management corporation showing the items in respect of which the moneys were received or expended;
- (k) cause to be prepared, from the books referred to in paragraph (j), a proper statement of accounts of the management corporation in respect of each period commencing on the date of registration of the strata title plan or the date up to which the last previous such statement was prepared and ending on a date not earlier than 3 months before each annual general meeting;
- (l) convene annual general meetings in accordance with the Third Schedule;
- (m) from time to time determine in general meeting the amounts necessary in its opinion to be raised by way of contributions for the purpose of meeting its actual or expected liabilities —
  - (i) incurred or to be incurred under paragraph (a), (b), (c) or (d);
  - (ii) for the payment of insurance premiums; and
  - (iii) for any other expenditure of the management corporation;
- (n) from time to time determine in general meeting the amounts necessary in its opinion to be raised by way of contributions for the purpose of meeting its actual or expected liabilities —
  - (i) for painting or repainting any part of the common property which is a building or other structure;

- (ii) for the renewal or replacement of any electrical and mechanical installations existing for common use or purposes;
  - (iii) for major repairs and improvements to, and maintenance of, the common property and boundary walls; and
  - (iv) for any other expenditure approved by the management corporation in general meeting;
  - (o) upon determining the amounts referred to in paragraph (m), establish a management fund into which shall be paid those amounts, the proceeds of the sale or disposal of any personal property of the management corporation and any income received by it and any amount paid to the management corporation by way of discharge of insurance claims;
  - (p) upon determining the amounts referred to in paragraph (n), establish a sinking fund into which shall be paid those amounts and any amount paid to the management corporation by way of discharge of insurance claims unless the latter amount has been paid into the management fund;
  - (q) from time to time, levy, in accordance with section 42, on each person liable therefor a contribution to raise the amounts referred to in paragraphs (m) and (n);
  - (r) if the management corporation —
    - (i) becomes liable to pay any moneys that it is unable to pay forthwith; and
    - (ii) is not required, under paragraph (q), to levy contributions to meet the liability,forthwith levy, in accordance with section 42, contributions to raise those moneys; and
  - (s) implement the decisions of the management corporation.
- [16/87]
- (2) A management corporation shall not disburse any moneys —
- (a) from its management fund, otherwise than for the purpose of meeting its liabilities referred to in subsection (1) (m) or (n);
  - (b) from its sinking fund, otherwise than for the purpose of meeting its liabilities referred to in subsection (1) (n); and

- (c) from its management fund or sinking fund otherwise than for the purpose of carrying out its powers, duties and functions under this Act or the by-laws.

(3) A determination made by a management corporation under subsection (1) (*m*) or (*n*) may specify that the amounts to be raised for the purposes referred to in those paragraphs shall be raised by such regular periodic contributions as may be specified in the determination.

[16/87]

### **Power of entry**

**49.**—(1) For the purpose of carrying out —

- (a) any work under section 45 (1), (2), (4) or (5);
- (b) any work required to be carried out by a management corporation —
  - (i) by a notice served on it by a public authority or statutory board; or
  - (ii) by an order of the Commissioner;
- (c) any work referred to in section 48 (1) (*b*), (*c*) or (*d*);
- (d) any work necessary to repair or renew any pipes, wires, cables or ducts referred to in section 57 (*a*) (ii); or
- (e) any investigation or work required to be carried out by a management corporation under any order made by a Board under section 103,

the management corporation may, by its employees or agents, enter upon any lot or part of the parcel for the purpose of investigating or carrying out the work in the case of an emergency, at any time, or, in any other case, at any reasonable time after giving notice to any occupier of that lot or part of the parcel.

[16/87; 21/99]

(2) A person who obstructs or hinders a management corporation in the exercise of its power under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[16/87]

### **Miscellaneous powers of management corporation**

**50.** A management corporation may —

- (a) subject to the regulations made under this Act, invest any moneys in its management fund and in its sinking fund in any manner permitted by law for the investment of trust funds;
- (b) borrow moneys and secure the repayment thereof and of any interest in such manner as may be agreed upon by the management corporation and the lender, otherwise than by charging the repayment on the common property;
- (c) enter into an agreement with a subsidiary proprietor or occupier of a lot for the provision of amenities or services by it to the lot or to the subsidiary proprietor or occupier thereof;
- (d) purchase, hire or otherwise acquire personal property for use by the subsidiary proprietors in connection with their enjoyment of the common property; and
- (e) do all things reasonably necessary for the performance of its duties under this Part and for the enforcement of the by-laws set out in the First Schedule.

[16/87]

### **Statutory restrictions on powers of management corporation**

**51.**—(1) Notwithstanding any other provision of this Act, a management corporation shall not, during the initial period —

- (a) amend, add to or revoke the by-laws in such a manner that a right is conferred or an obligation is imposed on one or more, but not all, subsidiary proprietors or in respect of one or more, but not all, lots;
- (b) alter any common property forming part of the subdivided building or erect any structure on the common property;
- (c) grant an easement or a restrictive covenant burdening the parcel;
- (d) execute a transfer of any part of the common property under section 23 or confer on any person the exclusive right to use and enjoy the common property;
- (e) make any contract which confers upon any person the right to use, occupy, control or manage any part of the common property for a period extending beyond the expiration of the initial period;
- (f) borrow moneys or give securities; or

(g) appoint a managing agent to hold office as such for a period extending beyond the expiration of the initial period, unless the doing of that thing is authorised by an order made under section 52.

[16/87]

(2) Any contract for the supply of services relating to the maintenance of a subdivided building made by a management corporation during the initial period shall be deemed to have contained a provision therein that the contract may be terminated forthwith by notice in writing given by the management corporation to the other party thereto without payment of any damage, fee or other compensation.

(3) Without affecting any other remedy available against the proprietor, if a management corporation contravenes subsection (1) —

- (a) the proprietor shall be liable for any loss suffered by the management corporation or any subsidiary proprietor as a result of the contravention; and
- (b) the management corporation or any subsidiary proprietor may recover from the proprietor, as damages for breach of statutory duty, any loss suffered by it or him,

unless —

- (i) the contravention occurred without the knowledge of the proprietor;
- (ii) the proprietor was not in a position to influence the conduct of the management corporation in relation to the contravention; and
- (iii) the proprietor, being in such a position, used all due diligence to prevent the contravention.

[16/87]

### **Commissioner's power to authorise certain acts during initial period**

**52.**—(1) The Commissioner may, on an application made by a management corporation, make an order authorising the doing of anything referred to in section 51.

[16/87]

(2) Notice of an application under subsection (1) shall be served, in accordance with the regulations made under this Act, on —

- (a) the subsidiary proprietor of every lot in the subdivided building concerned, unless he is the applicant;

- (b) the registered mortgagee of every such lot; and
- (c) such other persons as the Commissioner may direct.

(3) The applicant and any person referred to in subsection (2) (whether or not he has been served with a notice of the application) shall be entitled to appear and be heard on the hearing of the application.

(4) The Commissioner shall not make an order under this section unless he is satisfied that the order will serve the interests of the subsidiary proprietors or those persons having equitable interests in the lots.

[16/87]

### **Strata roll**

**53.**—(1) A management corporation shall prepare and maintain a strata roll in accordance with this section.

(2) The strata roll shall be kept in the form of a book (either bound or loose-leaf) which shall contain one or more pages in respect of each lot in the subdivided building.

(3) The management corporation shall record the following information on a page of the strata roll relating to the lot to which the information relates:

- (a) the share value of the lot, as shown on the schedule of strata units filed with the Commissioner under section 7;
- (b) the name and address of the subsidiary proprietor, as shown on the folio of the subsidiary strata land-register comprising the lot upon registration of the strata title plan and the name of and address for the service of the notices on the subsidiary proprietor of that lot as shown in notices given to the management corporation under section 59 (2) or (3);
- (c) the name of any mortgagee of the lot notice of whose mortgage has been given to the management corporation under section 59 (4), the address for the service of notices on him as shown in that notice and any other mortgages which are specified in that notice as having priority over his mortgage;
- (d) the name of the representative of any company which is the subsidiary proprietor or mortgagee of the lot as shown in notices given to the management corporation for the purposes of section 59 (10);

- (e) the discharge, transfer, assignment or sub-mortgage of any mortgage referred to in paragraph (c), as shown in a notice given to the management corporation under section 59 (5) or (6) and, except in the case of a discharge, the address for the service of notices on the transferee, assignee or sub-mortgagee as shown in that notice;
- (f) the date of entry into possession of the lot by a mortgagee as shown in a notice given to the management corporation under section 59 (7); and
- (g) the address for the service of notices on any person as shown in a notice given to the management corporation under section 59 (1).

(4) The management corporation shall record and maintain in the strata roll a copy of the by-laws for the time being in force with respect to the subdivided building.

#### **Supply of information and certificates by management corporation**

**54.—**(1) A management corporation shall, upon application made to it in writing in respect of a lot the subject of the subdivided building concerned by a subsidiary proprietor or mortgagee or prospective purchaser or mortgagee of that lot or by a person authorised in writing by such a subsidiary proprietor or mortgagee and on payment of the prescribed fee, do any one or more of the following things as are required of it in the application:

- (a) inform the applicant of the name and address of the chairman, secretary and treasurer of the management corporation and of any person who has been appointed under section 68 as managing agent;
- (b) make available for inspection by the applicant or his agent —
  - (i) the strata roll;
  - (ii) the notices and orders referred to in section 48 (1) (i);
  - (iii) the plans, specifications, certificates, diagrams and other documents delivered under section 37 (4);
  - (iv) the minutes of general meetings of the management corporation and of the council;
  - (v) the books of account of the management corporation;

- (vi) a copy of the statement of accounts of the management corporation last prepared by the management corporation in accordance with section 48 (1) (*k*);
- (vii) every current policy of insurance effected by the management corporation and the receipt for the premium last paid in respect of each such policy; and
- (viii) any other record or document in the custody or under the control of the management corporation,

at such time and place as may be agreed upon by the applicant or his agent and the management corporation and, failing agreement, at the subdivided building at a time and on a date fixed by the management corporation under subsection (2);

- (c) certify, as at the date of the certificate, in respect of the lot in respect of which the application is made —
  - (i) the amount of any regular periodic contributions determined by the management corporation under section 48 (1) (*m*) and (*n*) and the periods in respect of which those contributions are payable;
  - (ii) whether there is any amount unpaid of any contribution determined under section 48 (1) (*m*) and (*n*) and, if so, the amount thereof and the date on which any such contribution was levied;
  - (iii) whether there is any amount unpaid of any contribution levied under section 42 and, if so, the amount thereof and the date on which it was levied;
  - (iv) whether there is any amount recoverable from the subsidiary proprietor of that lot under section 45 and, if so, the amount thereof;
  - (v) any interest payable under section 42 (9) (*b*) in respect of any unpaid contribution referred to in that subsection; and
  - (vi) whether the management corporation has received a copy of any application or order of the Board made under section 84A.

[16/87; 21/99]

(2) Where an applicant and a management corporation fail to reach an agreement referred to in subsection (1) (*b*) within 7 days after the receipt of the application by the management corporation,



the management corporation shall forthwith send by post to the applicant a notice fixing a time, specified in the notice, between 9 a.m. and 6 p.m. on a date so specified, being a date not later than 21 days after the receipt of the application by the management corporation for the making of the inspection referred to in that subsection.

(3) In favour of a donee of, or a person taking for valuable consideration, an estate or interest in any lot, a certificate given under subsection (1) (c) by a management corporation in respect of that lot shall be conclusive evidence, as at the date of the certificate, of the matters stated therein.

(4) A management corporation which fails to provide the information referred to in subsection (1) (a) and a certificate referred to in subsection (1) (c) within 14 days after receipt by it of the application for the information or the certificate shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(5) A person entitled to inspect a document made available under subsection (1) (b) may take extracts from, or make a copy of, the document but may not, without the consent of the management corporation, remove the document from the custody of the management corporation for the purpose of inspecting the document, taking extracts therefrom or making a copy thereof.

[16/87]

### **Management corporation to display notice, etc.**

**55.** The management corporation shall —

- (a) display at a conspicuous place within the common property a notice showing the name of the management corporation and its address for the service of notices; and
- (b) cause to be constructed and maintained at or near the street alignment of the parcel a receptacle suitable for the receipt of mail or other documents with the name of the management corporation clearly shown thereon.

[16/87]

### **Accounts of management corporation to be audited**

**56.—**(1) At least once in each year the accounts of a management corporation shall be examined by an auditor who shall state in his report whether the accounts are in his opinion properly drawn up so as to give a true and fair view of the income and expenditure of the

management corporation and of the management corporation's affairs.

[16/87]

(2) The auditor shall be appointed at each annual general meeting of the management corporation and shall hold office until the conclusion of the next annual general meeting of the management corporation.

(3) At any time before the first annual general meeting of a management corporation, the council of the management corporation shall appoint the auditor of the management corporation and any auditor so appointed shall hold office until the conclusion of the first annual general meeting.

(4) No person shall be appointed as an auditor of a management corporation unless he is an approved company auditor under the Companies Act (Cap. 50).

(5) A management corporation shall permit the Commissioner or any person authorised by him to act on his behalf, at all reasonable times, full and free access to its accounting and other records and permit the Commissioner or such person to make copies of or make extracts from any such accounting or other records.

(6) The Commissioner may exempt any management corporation of a subdivided building which has not more than 10 lots from the requirements of this section on such terms and conditions as the Commissioner may determine.

- (7) This section shall not apply to a management corporation —
- (a) of a subdivided building with not more than 4 lots; or
  - (b) in respect of a financial year if during the entire duration of that financial year there are not more than 4 subsidiary proprietors.

[16/87]

*Division 2 — Subsidiary Proprietors and  
other Occupiers of Lots*

**Duties of subsidiary proprietors and other occupiers of lots**

**57.** A subsidiary proprietor, mortgagee in possession (whether by himself or any other person), lessee or occupier of a lot shall not —

- (a) do anything or permit anything to be done on or in relation to that lot so that —

- (i) any support or shelter provided by that lot for another lot or common property is interfered with; or
  - (ii) 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 in the lot is interfered with;
- (b) use or enjoy that lot, or permit that lot to be used or enjoyed, in such a manner or for such a purpose as to cause a nuisance or hazard to the occupier of any other lot (whether that person is a subsidiary proprietor or not); or
- (c) use or enjoy the common property in such a manner or for such a purpose as to interfere unreasonably with the use or enjoyment of the common property by the occupier of any other lot (whether that person is a subsidiary proprietor or not) or by any other person entitled to the use and enjoyment of the common property.

**Power for individuals to act for companies which are subsidiary proprietors and mortgagees of lots**

**58.**—(1) A company may, and shall be deemed always to have been able to, authorise an individual to exercise or perform on its behalf any power, duty or function conferred by this Act on the company as subsidiary proprietor or mortgagee of a lot and may revoke the authority of any individual so authorised.

[16/87]

(2) Where an individual exercises or performs a power, duty or function that he is authorised by a subsidiary proprietor or mortgagee of a lot, under subsection (1) to exercise or perform, the power, duty or function shall be deemed to be exercised or performed by the subsidiary proprietor or mortgagee, as the case may be, of the lot.

(3) Nothing in subsection (1) or (2) shall affect any liability or obligation imposed under this Act on a corporation which is a subsidiary proprietor or mortgagee of a lot.

(4) A document under the seal of a subsidiary proprietor which is a company purporting to be an authorisation or a revocation of such an authorisation under subsection (1) is admissible in evidence and

shall, unless the contrary is proved, be deemed to be such an authorisation or revocation, as the case may be.

[16/87]

### **Notices to be given by subsidiary proprietors and mortgagees**

**59.**—(1) A subsidiary proprietor or any person who, under this section, has given to the management corporation notice of an address for the service of notices on him shall give notice in writing to the management corporation of any change of address for service of notices on him.

[16/87]

(2) Upon the delivery of a transfer of an estate or interest in a lot pursuant to completion of a sale of that lot by its registered subsidiary proprietor to the purchaser or his nominee, or by way of gift to a donee, the registered subsidiary proprietor shall within 10 days thereof give to the management corporation written notice of the transfer which shall identify the lot and —

- (a) specify the name of the transferee in full and an address within Singapore for service of notices on the transferee and the date of delivery of the transfer; and
- (b) bear a certification by the transferee or his solicitor of the accuracy of the information contained in the notice.

(3) Where the subsidiary proprietor of a lot fails to comply with a notice given by the management corporation under subsection (8) requiring him to give a notice under subsection (2), the transferee under the transfer may give to the management corporation written notice of the transfer which shall identify the lot and specify the name of the transferee in full and an address within Singapore for service of notices on the transferee and the date upon which the transfer was executed.

(4) After the delivery to a mortgagee of an executed mortgage of a lot, the mortgagee may give to the management corporation written notice of the mortgage which shall identify the lot and —

- (a) specify the name of the mortgagee in full and an address within Singapore for the service of notices on the mortgagee and the date on which the mortgage was so delivered;
- (b) specify any mortgages of the lot which have priority over the mortgage referred to in the notice; and
- (c) bear written confirmation by the mortgagor of the accuracy of the information contained in the notice.

(5) After the delivery to a mortgagor of a discharge of a mortgage of a lot or a discharge of a sub-mortgage of a mortgage of a lot, the mortgagor may give to the management corporation written notice of the discharge which shall identify the lot and the mortgage that has been discharged and —

- (a) specify the date on which the discharge was so delivered; and
- (b) bear written confirmation by the mortgagee of the discharge of the mortgage.

(6) After the delivery by a mortgagee of a dealing, being a transfer or sub-mortgage of a lot, the transferee or sub-mortgagee may give to the management corporation written notice of the dealing which shall identify the lot and —

- (a) specify the name of the transferee or sub-mortgagee in full and an address within Singapore for service of notices on the transferee or sub-mortgagee and the date on which the transfer or sub-mortgage was so delivered; and
- (b) bear written confirmation by the transferor or sub-mortgagor of the information contained in the notice.

(7) After the entry into possession of a lot by a mortgagee, the mortgagee shall give to the management corporation written notice which shall identify the lot and specify the date on which he entered into possession.

(8) Where a management corporation has reason to believe that a person is required under this section to give a notice to it and the management corporation has not received that notice, the management corporation may serve a notice on that person specifying the capacity in which it believes he is obliged to give the notice and requiring him —

- (a) to state within 14 days whether or not he is a person obliged to give a notice in that capacity; and
- (b) if he is such a person, to give that notice.

(9) Where a management corporation has served a notice under subsection (8) on a person whom it believes to be a person entitled to give a notice to the management corporation under this section and that person has not complied with the first-mentioned notice, that person shall not be entitled to cast a vote at any general meeting of the management corporation until he has complied with the first-mentioned notice.

(10) A vote cast at a general meeting of a management corporation by or on behalf of a subsidiary proprietor who is a company shall have no effect unless the management corporation has received a notice in writing specifying the representative of that subsidiary proprietor.

(11) A notice referred to in subsection (10) may be included in any other notice that the subsidiary proprietor to which it relates or any other person is entitled under this section to give to the management corporation.

[16/87]

### *Division 3 — Council*

#### **Council of management corporation**

**60.—**(1) Subject to this section, every management corporation shall have a council which shall consist of such number of members as may be determined by the management corporation in general meeting but the total number of members shall not exceed 14.

[16/87]

(2) The members of the council shall be elected at each annual general meeting.

(3) Where —

(a) the first annual general meeting has not yet been held; or

(b) there are not more than 3 subsidiary proprietors,

the council shall consist of each subsidiary proprietor, if any, who is an individual and the nominee of each subsidiary proprietor, if any, who is a company.

(4) The members of the council shall retire from office at the conclusion of the next annual general meeting of the management corporation and a retiring member of the council shall be eligible for re-election.

(5) A person shall not be eligible for election as a member of the council unless he is —

(a) an individual who is a subsidiary proprietor;

(b) an individual who is nominated for election by a subsidiary proprietor who is a company; or

(c) a member of the immediate family of a subsidiary proprietor who is nominated for election by that subsidiary proprietor who is not a candidate for election.

(6) A person who is a co-subsiary proprietor of a lot may not be a candidate for election as a member of the council if another co-subsiary proprietor of that lot is a candidate or has nominated another person for election.

(7) A subsidiary proprietor who owns 2 or more lots in a subdivided building and is a candidate or has nominated an individual as a candidate for election as a member of a council shall not be entitled to nominate any other individual for election as a member of a council.

(8) Where there is no council of a management corporation, the subdivided building shall be administered by the management corporation but nothing in this subsection shall prevent a managing agent appointed under this Act from exercising or performing any powers, duties or functions conferred or imposed upon him.

(9) The Second Schedule shall have effect with respect to the proceedings of the council.

[16/87]

### **Vacation of office of member of council**

**61.**—(1) A person who is a member of a council shall vacate his office as such a member —

- (a) if, where he was a subsidiary proprietor at the time of his appointment or election, he ceases to be a subsidiary proprietor;
- (b) if, where he was the nominee of a subsidiary proprietor, the subsidiary proprietor who nominated him —
  - (i) ceases to be a subsidiary proprietor; or
  - (ii) notifies the management corporation in writing that his office as a member of the council is vacated;
- (c) if he fails to attend 3 consecutive meetings of the council;
- (d) upon the receipt by the management corporation from him of notice in writing of his resignation as a member of the council;
- (e) upon the election of the members of the council at the next annual general meeting following his election as a member of the council;
- (f) where he is a member under section 60 (3), upon the election of the members of the council at a general meeting; or

- (g) if the management corporation by ordinary resolution removes him from his office.

(2) Upon the occurrence of a vacancy in the office of a member of a council, otherwise than by reason of subsection (1) (e) or (f), the council may appoint a subsidiary proprietor or the nominee of a subsidiary proprietor who is a company as a member of the council to fill the vacancy, and any person so appointed shall hold office for the balance of his predecessor's term of office.

[16/87]

### **Chairman, secretary and treasurer of council**

**62.**—(1) Where the chairman, the secretary and the treasurer of the council have not been appointed by the management corporation at its annual general meeting, the members of the council shall, at the first meeting of the council after they assume office as such members, appoint the chairman, secretary and treasurer of the council.

[16/87]

(2) A person —

- (a) shall not be appointed to an office referred to in subsection (1) unless he is a member of the council; and
- (b) may be appointed to one or more of those offices.

(3) A person appointed to an office referred to in subsection (1) shall hold office until —

- (a) he ceases to be a member of the council;
- (b) the receipt by the management corporation from him of a notice in writing of his resignation from that office; or
- (c) another person is appointed by the council or by the management corporation in general meeting to hold that office,

whichever first happens.

(4) Notwithstanding anything in this Act, a person appointed to an office referred to in subsection (1) shall not resign or vacate his office until another person is appointed by the council or by the management corporation in general meeting to hold that office and any purported resignation or vacation of office in breach of this subsection shall be deemed to be invalid.



(5) Subsection (4) shall not apply where a member of the council is required to resign or vacate his office —

- (a) if, where he was a subsidiary proprietor at the time of his appointment or election, he ceases to be a subsidiary proprietor;
- (b) if, where he was the nominee of a subsidiary proprietor who is a company, the subsidiary proprietor who nominated him ceases to be a subsidiary proprietor.

(6) A person shall not exercise or perform any of the powers, duties or functions of the management corporation or the treasurer of the management corporation, being powers, duties or functions relating to the receipt or expenditure of, or accounting for, moneys, or the keeping of the books of account, of the management corporation, unless he is —

- (a) a member of the management corporation or of the council and is the treasurer of the management corporation or of the council;
- (b) a managing agent who is empowered to exercise or perform those powers, duties or functions; or
- (c) a person with whom the treasurer of the management corporation is required by an order of the council to exercise or perform jointly those powers, duties or functions, and who is enabling the treasurer to comply with the order.

(7) The treasurer of a management corporation may delegate the exercise or performance of any of his powers (other than this power of delegation), duties or functions as treasurer, the delegation of which is specifically approved by the council of the management corporation, to another member of the council so approved, subject to such limitations as to time or otherwise as are so approved.

(7A) While a delegate is acting in accordance with the terms of a delegation under subsection (7), he shall be deemed to be the treasurer of the management corporation.

(8) The council of a management corporation may, by a notice in writing served on the treasurer of the management corporation, order that he shall not exercise or perform any of his powers, duties or functions that are specified in the notice, unless he does so jointly with another person so specified.

(9) Any person who contravenes subsection (6) or fails to comply with the notice of a council issued under subsection (8) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

[16/87]

### **Council's decisions to be decisions of management corporation**

**63.**—(1) Subject to the provisions of this Act, the decision of a council on any matter, other than a restricted matter, shall be the decision of the management corporation.

[16/87]

(2) Notwithstanding that a council holds office, the management corporation may in general meeting continue to exercise or perform all or any of the powers, duties and functions conferred or imposed on the management corporation by this Act or the by-laws.

(3) A council shall not make a decision on any matter if, before the decision is made, notice in writing has been given to the secretary of the council by subsidiary proprietors who altogether own not less than one-third of the lots in the subdivided building concerned that the making of the decision is opposed by those subsidiary proprietors, and any decision, if made by the council, shall have no force or effect.

(4) For the purposes of subsection (1), “restricted matter”, in relation to a council, means —

- (a) any matter a decision on which may, in accordance with any provision of this Act or the by-laws, only be made by the management corporation pursuant to a unanimous resolution or a special resolution or in general meeting of the management corporation; and
- (b) any matter referred to in section 64 and specified in a resolution of that management corporation passed for the purposes of that section.

[16/87]

### **Restrictions imposed on council by management corporation**

**64.** A management corporation may in general meeting decide what matters or class of matters, if any, shall be determined only by the management corporation in general meeting.

[16/87]

**Records, etc., of management corporation**

**65.**—(1) A person who has possession or control of —

- (a) any records, books of account or keys belonging to a management corporation;
- (b) the strata roll kept by a management corporation; or
- (c) any other property of a management corporation,

shall, within 7 days after service on him of notice of a resolution of the council requiring him to do so, deliver those records, books of account and keys and that strata roll and other property to a member of the council specified in the notice.

[16/87]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[16/87]

**Disclosure of interests in contracts, property, officers, etc.**

**66.**—(1) Subject to this section, every member of a council who is in any way, directly or indirectly, interested in a contract or proposed contract with the management corporation shall as soon as practicable after the relevant facts have come to his knowledge declare the nature of his interest at a meeting of the council.

[16/87]

(2) The requirements of subsection (1) shall not apply in any case where the interest of the member of a council consists only of being a member or creditor of a company which is interested in a contract or proposed contract with the management corporation if the interest of the member may properly be regarded as not being a material interest.

(3) For the purposes of subsection (1), a general notice given to the members of a council by a member to the effect that he is an officer or member of a specified company or a member of a specified firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with that company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made if it specifies the nature and extent of his interest in that company or firm and his interest is not different in nature or greater in extent than the nature and extent so specified in the general notice at the time any contract is so made.

(3A) No such notice shall be of effect unless —

- (a) it is given at a meeting of the council; or
- (b) the member takes reasonable steps to ensure that it is brought up and read at the next meeting of the council after it is given.

(4) Every member of a council who holds any office or possesses any property whereby, directly or indirectly, duties or interests might be created in conflict with his duties or interests as a member of the council shall declare at a meeting of the council the fact and the nature, character and extent of the conflict.

(5) The declaration shall be made at the first meeting of the council held —

- (a) after he becomes a member of the council; or
- (b) (if already a member of the council), after he commenced to hold the office or to possess the property,

as the case requires.

(6) The secretary of the council shall record every declaration under this section in the minutes of the meeting at which it was made.

(7) For the purposes of this section, an interest of a family member of a member of the council shall be treated as an interest of the member.

(8) Except as provided in subsection (3), this section shall be in addition to and not in derogation of the operation of any rule of law restricting a member of a council from having any interest in contracts with the management corporation or from holding offices or possessing properties involving duties or interests in conflict with his duties or interests as a member of a council.

(9) Any member of a council who fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months.

[16/87]

### **Duty and liability of council members and officers**

**67.—**(1) A member of a council shall at all times act honestly and use reasonable diligence in the discharge of the duties of his office.

[16/87]

(2) A member of a council, or an officer or agent or a managing agent of a management corporation, shall not use his position as a member of the council or as an officer, agent or managing agent of the management corporation to gain, directly or indirectly, an advantage for himself or for any other person or to cause detriment to the management corporation.

(3) Any person who commits a breach of any of the provisions of this section shall —

- (a) be liable to the management corporation for any profit made by him or for any damage suffered by the management corporation as a result of the breach of any of those provisions; and
- (b) be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months.

(4) This section is in addition to and not in derogation of any other written law or rule of law relating to the duty or liability of members of a council.

(5) In this section —

“agent” includes a banker, solicitor or auditor of the management corporation and any person who at any time has been a banker, solicitor or auditor of the management corporation;

“officer” includes a person who at any time has been an officer of a management corporation.

[16/87]

#### *Division 4 — Managing Agents*

### **Managing agent**

**68.**—(1) Subject to subsection (4), a management corporation may, by a resolution passed at a general meeting, appoint a managing agent and may, by instrument in writing, delegate to him —

- (a) all of its powers, duties and functions;
- (b) any one or more of its powers, duties and functions specified in the instrument; or
- (c) all of its powers, duties and functions except those specified in the instrument.

(1A) Any managing agent appointed under subsection (1) shall hold office until the conclusion of the next annual general meeting.

(1B) A managing agent who is in any way, directly or indirectly, related to a subsidiary proprietor of a lot in the subdivided building concerned shall, prior to his appointment, declare the nature of his relationship at the annual general meeting.

[16/87]

(2) A managing agent who retires from office shall be eligible for reappointment.

(3) Any managing agent appointed by a management corporation may at any time be removed from office by a resolution of the management corporation passed at a general meeting of which notice has been given for that purpose.

(4) A management corporation shall not under subsection (1) delegate to a managing agent its power to make —

(a) a delegation under that subsection; or

(b) a decision on a matter which may be determined only by the management corporation in a general meeting.

(5) A power, duty or function, the exercise or performance of which has been delegated under subsection (1) may, while the delegation remains unrevoked, be exercised from time to time in accordance with the delegation.

(6) A delegation under subsection (1) may be made subject to such conditions or such limitations as to the exercise or performance of all or any of the powers, duties or functions, or as to time or circumstances, as may be specified in the instrument of delegation.

(7) Notwithstanding any delegation made under subsection (1), a management corporation may continue to exercise or perform all or any of the delegated powers, duties or functions.

(8) Any act or thing done or suffered by a managing agent while acting in the exercise of a delegation under subsection (1) shall have the same force and effect as if it had been done or suffered by the management corporation and shall be deemed to have been done or suffered by the management corporation.

(9) Where a resolution of the management corporation so provides, a managing agent shall have and may exercise and perform all the powers, duties and functions of the chairman, secretary or

treasurer of the management corporation and the council or such of those powers, duties and functions as may be specified in the resolution.

(10) The fees and expenses of a managing agent shall be fixed by the management corporation in a general meeting or, if so authorised by the subsidiary proprietors at the last preceding general meeting, by the council of the management corporation.

[16/87]

### **Delegated duty and liability of managing agent**

**69.** Where —

- (a) a contravention by a management corporation of a provision of this Act that imposes a duty on the management corporation is an offence under this Act; and
- (b) the performance of the duty has been delegated to a managing agent,

the provision shall, while the delegation remains in force, be construed as if a reference therein to the management corporation were a reference to the managing agent.

[16/87]

### *Division 5 — Insurance*

### **Interpretation of this Division**

**70.** In this Division —

“damage policy”, in relation to a subdivided building, means a contract of insurance providing, in the event of the subdivided building being destroyed or damaged by fire, lightning, explosion or any other occurrence specified in the policy —

(a) for —

- (i) the rebuilding of the subdivided building or its replacement by a similar building in the event of its destruction; and
- (ii) the repair of damage to, or the restoration of the damaged portion of, the subdivided building in the event of its being damaged but not destroyed,

so that, in the case of destruction, every part of the rebuilt building or the replacement building and, in the case of damage, the repaired or restored portion, is in a condition no worse nor less extensive than that part or portion or its condition when that part or portion was new; and

- (b) for the payment of expenses incurred in the removal of debris and the remuneration of architects and other persons whose services are necessary as an incident to the rebuilding, replacement, repair or restoration;

“subdivided building” includes —

- (a) subsidiary proprietors’ improvements and subsidiary proprietors’ fixtures forming part of the subdivided building other than paint, wallpaper and temporary wall, floor and ceiling coverings;
- (b) a building consisting entirely of common property; and
- (c) anything prescribed as forming part of a building for the purposes of this definition,

but does not include —

- (i) fixtures removable by a lessee at the expiration of a tenancy; or
- (ii) anything prescribed as not forming part of a subdivided building for the purposes of this definition.

[16/87]

### **Insurance of subdivided buildings**

**71.—**(1) Unless otherwise directed by a resolution which has been approved in writing by all the subsidiary proprietors entitled to vote at a general meeting of a management corporation, the management corporation shall insure the subdivided building and keep the building insured under a damage policy.

[16/87]

(2) A damage policy may provide that, instead of the work and the payments specified in the definition of “damage policy” in section 70 being carried out or made upon the occurrence of any of the events specified in that definition, the liability of the insurer shall, upon the occurrence of any such event, be limited to an amount specified in the policy that is not less than an amount calculated in the prescribed manner.

[16/87]



**Further insurance by management corporation**

**72.**—(1) In addition to insurance effected by a management corporation under section 71, the management corporation shall effect insurance —

- (a) in respect of any occurrence against which it is required by law to insure, including any insurance required to be effected by reason of the provisions of the Workmen's Compensation Act (Cap. 354);
- (b) in respect of damage to property, death or bodily injury occurring upon the common property for which the management corporation could become liable in damages; and
- (c) against the possibility of the subsidiary proprietors becoming jointly liable by reason of a claim arising in respect of any other occurrence against which the management corporation pursuant to a special resolution decides to insure.

(2) Insurance effected under subsection (1) (b) shall be for a cover of such amount as the management corporation determines that is not less than an amount prescribed by the regulations.

(3) A management corporation may insure any property which it is not required to insure under this Act and in which it has an insurable interest.

(4) For the purposes of a policy of insurance effected under subsection (1) (b), the common property shall be deemed to be vested in the management corporation.

(5) Regulations made under this Act may vary the amount of minimum cover required by subsection (2) for insurance effected under subsection (1) (b).

(6) A subsidiary proprietor may bring against the management corporation of which the subsidiary proprietor is a member any action that the subsidiary proprietor may have brought against the management corporation if the subsidiary proprietor had not been a member of the management corporation.

(7) Where an insurer of a management corporation admits a claim by the management corporation based on an act or omission by a subsidiary proprietor who is a member of the management corporation, the insurer shall not have a right of subrogation in

relation to the subsidiary proprietor based on that act or omission unless it was proved that the act or omission is wilful.

[16/87]

### **Insurance by subsidiary proprietor**

**73.**—(1) Nothing in this Part shall limit or affect any right of a subsidiary proprietor to effect insurance.

[16/87]

(2) Insurance effected by a subsidiary proprietor shall not affect, and shall not be taken into consideration in determining, the amount payable to a management corporation under a contract of insurance entered into between it and an insurer under this Part, notwithstanding anything in that contract of insurance.

[16/87]

### **Insurance of mortgaged lot**

**74.**—(1) A contract of insurance may be entered into by a subsidiary proprietor in respect of damage to his lot in a sum equal to the amount secured at the date of the contract by mortgages of and charges affecting his lot and where such a contract is in force —

- (a) subject to the terms and conditions of the contract —
  - (i) any payment to be made under that contract by the insurer in respect of damage shall be made to the mortgagees and chargees whose interests are noted thereon in order of their respective priorities; and
  - (ii) the amount of the payment shall be the amount stated in the contract, the amount of the loss, or an amount sufficient at the date of the loss, to discharge mortgages of and charges affecting the lot, whichever is the least amount;
- (b) where the amount so paid by the insurer equals the amount necessary to discharge a mortgage of the lot, the insurer shall be entitled to an assignment of the mortgage; and
- (c) where the amount so paid by the insurer is less than the amount necessary to discharge a mortgage of the lot, the insurer shall be entitled to a sub-mortgage of that mortgage to secure the amount so paid on terms and conditions agreed upon as provided in subsection (2) or, failing agreement, on the same terms and conditions as those contained in the mortgage.

[16/87]

(2) For the purposes of subsection (1) (c), any insurer and mortgagee may at any time, whether before or after a contract of insurance referred to in subsection (1) has been entered into by a subsidiary proprietor, agree upon the terms and conditions of the sub-mortgage.

(3) A contract of insurance entered into as referred to in subsection (1) shall not be liable to be brought into contribution with any other such contract of insurance except another such contract of insurance which —

(a) is in respect of damage to the same lot; and

(b) relates to the same debt,

as that referred to in the contract of insurance first-mentioned in this subsection.

[16/87]

### **Rebuilding**

**75.** Subject to any order made under section 77 or 78, where a management corporation receives payment of moneys from an insurer in respect of destruction of or damage to a subdivided building, those moneys shall forthwith be applied by the management corporation in rebuilding, replacing, repairing or restoring the subdivided building, as the case may require.

[16/87]

### **Insurable interest of management corporation**

**76.** A management corporation shall be deemed to have an insurable interest in the subject-matter of any contract of insurance entered into by it under this Act.

[16/87]

## **PART V**

### **VARIATION OR TERMINATION OF STRATA SUBDIVISION SCHEME**

#### **Variation of strata subdivision scheme consequent upon damage to or destruction of subdivided building**

**77.—**(1) Where a subdivided building is damaged or destroyed —

(a) any subsidiary proprietor of a lot in the subdivided building;

(b) where such a lot is subject to a mortgage or charge — the mortgagee or chargee; or

(c) the management corporation,  
may make an application to the court for an order under subsection (4).

(2) Notice of an application under subsection (1) shall be served, in accordance with the Rules of Court, on —

- (a) every person referred to in subsection (1), other than the applicant;
- (b) the Commissioner;
- (c) the Registrar;
- (d) any person having a reversionary estate or interest in a lot in the subdivided building concerned; and
- (e) such other persons as the court may direct.

(3) The applicant and any person referred to in subsection (2) (whether or not he has been served with a notice of the application) shall be entitled to appear and be heard on the hearing of the application.

(4) The court may, on an application made under subsection (1), make an order to settle a scheme for the reinstatement or continued use of the subdivided building in whole or in part.

(5) An order made under subsection (4) shall take effect on such day as may be specified in the order.

(6) Without limiting the generality of subsection (4), an order made under that subsection may include directions for or with respect to any one or more of the following matters:

- (a) the substitution for the existing schedule of strata units of a new schedule of strata units;
- (b) the reinstatement in whole or in part of the building;
- (c) the transfer or vesting of the interests of subsidiary proprietors of lots which have been wholly or partly destroyed to or in the management corporation free from mortgages and charges;
- (d) the application of any insurance moneys received by the management corporation in respect of the damage to or destruction of the subdivided building;
- (e) the payment of moneys to or by the management corporation or the subsidiary proprietors or any one or more of them; and

- (f) any matter in respect of which it is, in the opinion of the court, just and equitable, in the circumstances of the case, to make provision in the order.

(7) An order made under subsection (4) shall have effect according to its tenor.

(8) Where the court is of the opinion that an order should not be made under subsection (4), it may, upon application made by any person entitled to appear and be heard on the hearing of the application made under subsection (1) or of its own motion, direct that the application be treated as an application for an order under section 78.

(9) Where the court makes a direction under subsection (8) —

- (a) the application, the subject of the direction, shall be deemed to be made under section 78 by a person entitled to make the application; and
- (b) the applicant under subsection (1), as well as any other person entitled to appear and be heard under section 78, is entitled to appear and be heard on the hearing of the application.

(10) The court may, from time to time, vary any order made under subsection (4) on the application of any person entitled to appear and be heard on the hearing of the application for that order.

[16/87]

### **Termination of strata subdivision scheme by court**

**78.—**(1) An application to the court for an order for the termination of the strata subdivision of a subdivided building and the cancellation of the strata title plan registered under this Act may be made by —

- (a) any subsidiary proprietor of a lot in the subdivided building;
- (b) where such a lot is subject to a mortgage or a charge — the mortgagee or chargee; or
- (c) the management corporation.

(1A) The court on being satisfied that it is just and equitable that the strata subdivision of a subdivided building be terminated may make an order to that effect after having considered —

- (a) the scheme and intent of this Act;

- (b) the probability of unfairness to one or more subsidiary proprietors if termination of subdivision is not ordered; and
- (c) the rights and interests of the subsidiary proprietors as a whole.

[16/87]

(2) Notice of an application under subsection (1) shall be served, in accordance with the Rules of Court, on —

- (a) every person referred to in subsection (1), other than the applicant;
- (b) the Commissioner;
- (c) the Registrar;
- (d) any person having a reversionary estate or interest in a lot in the subdivided building; and
- (e) such other persons (including creditors of the management corporation) as the court may direct.

(3) The applicant and any person referred to in subsection (2) (whether or not he has been served with a notice of the application) shall be entitled to appear and be heard on the hearing of the application.

(4) An order made under subsection (1) shall take effect on such day as may be specified in the order.

(5) An order made under subsection (1) shall include directions for or with respect to the following matters:

- (a) the sale or disposition of any property of the management corporation;
- (b) the discharge of the liabilities of the management corporation;
- (c) the persons liable to contribute moneys required for the discharge of the liabilities of the management corporation and the proportionate liability of each such person;
- (d) the distribution of the assets of the management corporation and the proportionate entitlement of each person under that distribution;
- (e) the administration, powers, duties and functions of the management corporation;
- (f) the voting power at meetings of the management corporation of persons referred to in paragraph (c) or (d);

- (g) any matter in respect of which it is, in the opinion of the court, just and equitable, in the circumstances of the case, to make provision in the order; and
  - (h) the winding up of the management corporation (including the appointment, powers, duties and functions of any person to carry out the winding up).
- (6) Upon an order under this section taking effect —
- (a) the persons, who immediately before the order took effect, were subsidiary proprietors of the lots the subject of the strata title plan concerned shall cease to be subsidiary proprietors of those lots and shall be entitled to the parcel as tenants-in-common in the shares proportional to their respective share values and for the same term and tenure as their respective lots were held by them prior to the date the order took effect;
  - (b) any subsisting encumbrance registered against any of the lots referred to in paragraph (a) shall be an encumbrance on the share of the subsidiary proprietor concerned in the registered land comprising the parcel, and a memorial or notification of the encumbrance entered in the volume and folio of the land comprising the registered land shall bear the same date as the date of registration of that encumbrance against the lot;
  - (c) all statutory easements implied under this Act shall cease to affect the registered land comprising the parcel or any part thereof; and
  - (d) the former subsidiary proprietors shall have the power to transfer their interests and estates in the parcel or any part thereof.
- (7) The provisions of an order made under this section shall have effect notwithstanding any provision of this Act, other than this section.
- (8) An order made under subsection (1) shall have effect according to its tenor.
- (9) Where the court is of the opinion that an order should not be made under subsection (1), it may, upon application made by any person entitled to appear and be heard on the hearing of the

application made under subsection (1) or of its own motion, direct that the application be treated as an application for an order under section 77.

(9A) Where the court makes a direction under subsection (9) —

- (a) the application the subject of the direction shall be deemed to be an application made under section 77 by a person entitled to make the application; and
- (b) the applicant under subsection (1), as well as any other person entitled to appear and be heard under section 77, is entitled to appear and be heard on the hearing of the application.

(10) The court may, from time to time, vary any order made under subsection (1) on the application of any person who was entitled to appear and be heard on the hearing of the application for that order.

[16/87]

(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.

[21/99]

### **Interchangeability of notices**

**79.** Any notice served under section 77 or 78 shall, where it relates to an application which is required to be treated as an application under another of those sections, be deemed to be a notice served under that other section.

[16/87]

### **Consequences of making an order under section 77 or 78**

**80.—**(1) Upon receipt of a certified or office copy of the minute of an order made under section 77 or 78, the Registrar shall make



appropriate entries in the subsidiary strata land-register of the effect of the order.

[16/87]

(2) Where, pursuant to the receipt of a certified or office copy of the minute of an order made under section 78, the Registrar has made entries in accordance with subsection (1), the Registrar shall, as soon as practicable after making the entries, cancel each folio of the subsidiary strata land-register which evidences title to a lot the subject of the strata title plan.

[16/87]

### **Termination of strata subdivision scheme by management corporation**

**81.—**(1) A management corporation of a subdivided building shown on a strata title plan may by a resolution which has been voted in favour by all the persons entitled to vote at a general meeting of a management corporation resolve that the strata subdivision of the building be terminated.

[16/87]

(2) A management corporation shall —

- (a) within 14 days after the passing of a resolution referred to in subsection (1), lodge a certified copy of the resolution with the Registrar; and
- (b) within 30 days after the passing of the resolution, give notice of the resolution in one or more newspapers circulating in Singapore.

(3) If a management corporation fails to comply with subsection (2), the management corporation and every officer of the management corporation who is in default shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(4) On receipt of a resolution referred to in subsection (1), the Registrar shall enter a notification of the cancellation of the strata subdivision of the building and a memorial of the vesting of the parcel in the subsidiary proprietors as tenants-in-common in the registered strata title plan and in the volume and folio of the land-register comprising the parcel.

(5) Upon the entry of that memorial —

- (a) each subsidiary proprietor shall cease to be a subsidiary proprietor of the lot, and shall be entitled to the parcel as a tenant-in-common with the other subsidiary proprietors in

the shares proportional to his share value and for the same term and tenure held by him in respect of his lot;

- (b) any subsisting encumbrance registered against a lot shall be an encumbrance on the share of the subsidiary proprietor concerned in the registered land comprising the parcel, and a memorial or notification of the encumbrance entered in the volume and folio of the land-register comprising that registered land shall bear the same date as the date of registration of that encumbrance against his lot; and
- (c) all statutory easements implied under this Act shall cease to affect the registered land comprising the parcel or any part thereof.

(6) The former subsidiary proprietors may by unanimous resolution direct the management corporation to transfer the parcel or any part thereof.

(7) The management corporation, if it is satisfied that the resolution was duly passed and that all persons having registered interests in the parcel have consented in writing to the release of their respective interests in the registered land comprising the parcel or any part thereof, intended to be transferred, shall execute the appropriate transfer.

(7A) The transfer under subsection (7) shall be valid and effective without execution by any person having a registered interest in the parcel, and the receipt of the management corporation for any moneys payable to the management corporation under the transfer shall be a sufficient discharge, and shall exonerate the person taking under the transfer from seeing to the application, or being answerable for any loss or misapplication, of the moneys expressed to have been so received.

(8) A transfer under subsection (7) shall not be accepted for registration unless accompanied by a certificate in the prescribed form under the seal of the management corporation that the resolution was duly passed and that all necessary consents were given, in favour of a purchaser of the parcel and in favour of the Registrar, and such a certificate shall be conclusive evidence of the facts stated therein.

(9) When registered land or any part thereof is transferred by a former subsidiary proprietor or the management corporation after a

notice of a resolution referred to in subsection (1) has been lodged with the Registrar —

- (a) the former subsidiary proprietor, if he is the transferor, shall surrender to the Registrar his duplicate subsidiary strata certificate of title relating to his lot;
- (b) the management corporation, if it is transferring the land on behalf of all the former subsidiary proprietors, shall surrender to the Registrar on behalf of all the former subsidiary proprietors their duplicate subsidiary strata certificates of title; and
- (c) the Registrar, on receipt of the duplicate subsidiary strata certificate or certificates of title comprising the lot or lots, as the case may be, shall cancel the relevant folios of the subsidiary strata land-register, and registration of the transfer shall be effected by the Registrar issuing a certificate of title for the undivided share in the registered land or for the whole of the registered land transferred to the transferee, as the case may be.

(10) Notwithstanding the termination of a strata subdivision under this section, the relevant record of the subsidiary strata land-register may be used in evidence as a record of matters relating to the subdivision before its termination so long as the management corporation continues in existence.

(11) Where a transfer of the parcel made under subsection (7) has been lodged with and registered by the Registrar, the management corporation shall continue in existence for the purpose of winding up its affairs.

(12) Until a liquidator has been appointed by the management corporation for the purpose of carrying out the winding up of the management corporation, the council of the management corporation shall continue to perform the management corporation's business for the purpose of winding up its affairs.

(13) On a management corporation being wound up —

- (a) every former subsidiary proprietor shall be liable to contribute to the assets of the management corporation to an amount sufficient for the payment of its debts and liabilities and the costs, charges and expenses of the winding up; and

(b) the assets of the management corporation, if any, shall be distributed among the former subsidiary proprietors, in the same proportion as the proportion of contributions which such former subsidiary proprietors would have been liable for in accordance with section 42 (2).

[16/87]

### **Liquidators**

**82.**—(1) Where a management corporation resolves that the strata subdivision of a building be terminated, it shall forthwith in general meeting appoint one or more liquidators for the purpose of winding up the affairs and distributing the assets of the management corporation and may fix the remuneration to be paid to him or them.

[16/87]

(2) Where a liquidator has not been appointed for a management corporation under this section, the court may, on the application of a former subsidiary proprietor, a former mortgagee or a creditor of the management corporation, appoint a liquidator for the management corporation.

(3) On the appointment of a liquidator all the powers of the council of the management corporation shall cease and the liquidator shall have the power to carry on the management corporation's business for the purpose of winding up its affairs.

(4) The management corporation may in general meeting convened by any former subsidiary proprietor by special resolution of which special notice has been given to all the former subsidiary proprietors, former mortgagees, the creditors and the liquidators, remove any liquidator but no such resolution shall be effective to remove a liquidator if the court on the application of the liquidator or a creditor or a former mortgagee has ordered that the liquidator be not removed.

(5) If a vacancy occurs by death, resignation, removal or otherwise in the office of a liquidator the management corporation in general meeting shall forthwith fill the vacancy by the appointment of a liquidator and fix the remuneration to be paid to him, and for that purpose a general meeting may be convened by any former subsidiary proprietor, or if there were more liquidators than one by the continuing liquidators.

(6) The meeting shall be held in the manner provided by this Act or in such manner as is on application by any former subsidiary proprietor or by the continuing liquidators determined by the court.

(7) The court may, on the application of a former subsidiary proprietor, a former mortgagee or the liquidator and on being satisfied that the affairs of the management corporation have been wound up, make an order that the liquidator be released and that the management corporation be dissolved and on the expiry of 3 months of the lodging of such order with the Registrar and the Commissioner, the management corporation shall be dissolved.

(8) Notwithstanding subsection (7), the court may, on the application of the liquidator or of any other person who appears to the court to be interested, make an order deferring the date at which the dissolution of the management corporation is to take effect for such time as the court thinks fit.

(9) The person on whose application an order of the court under this section is made shall, within 21 days after the making of the order, lodge with the Registrar and with the Commissioner an office copy of the order, and if he fails to do so he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[16/87]

### **Qualifications of liquidator**

**83.** No person shall be appointed as a liquidator of a management corporation unless he is an approved company auditor under the Companies Act (Cap. 50).

[16/87]

### **Interpretation of sections 81 and 82**

**84.** For the purposes of sections 81 and 82 —

“former mortgagee” means a person who, or a body which, immediately before the subdivision of a subdivided building is terminated under this Part, was the registered mortgagee of a lot, forming part of the subdivided building;

“former subsidiary proprietor” means a person who, or a body which, immediately before the subdivision of a subdivided building is terminated under this Part, was the subsidiary proprietor of a lot, forming part of the subdivided building.

[16/87]

## 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).

[21/99]

(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.

[21/99]

(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).

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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).

[21/99]

(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.

[21/99]

(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.

[21/99]



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

[21/99]

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

[21/99]

### **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.

[21/99]

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

[21/99]

(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.

[21/99]

(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.

[21/99]

**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.

[21/99]

(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 62 of the Trustees Act (Cap. 337).

[21/99]

(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.

[21/99]

(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.

[21/99]

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

[21/99]

(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).

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

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

[21/99]

(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).

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(16) For the purposes of this section —

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

“proprietor” includes a successor in title.

[21/99]

**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 this Act but do not own 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.

[21/99]

(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).

[21/99]



(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

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

[21/99]

## PART VI

## STRATA TITLES BOARDS

**85.** (*Repealed by Act 21/99*)**Strata Titles Boards**

**86.**—(1) There shall be one or more Strata Titles Boards to be presided over by a President or Deputy President to be appointed by the Minister.

[16/87]

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

[21/99]

(3) 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.

[21/99]

(4) Except where otherwise provided by this Act, a Board shall, in relation to a dispute of which the Board has cognizance or any other matter with respect to which the Board has jurisdiction under this Act, be constituted by the President or a Deputy President and 2 or 4 members selected by the President for the purposes of the dispute or matter from the panel constituted in accordance with this Part.

[21/99]

(5) 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 (4).

[21/99]

(6) 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 (5);
- (b) if any objection received under subsection (5) is allowed by the President, upon the selection of another member by the President; or
- (c) if any objection received under subsection (5) is disallowed by the President, upon the decision to disallow the objection.

[21/99]

(7) No person shall be appointed as the President or a Deputy President of the Board unless he is a qualified person within the meaning of the Legal Profession Act (Cap. 161).

[16/87; 21/99]

### **Panel**

**87.**—(1) For the purpose of enabling the Boards to be constituted in accordance with this Part, a panel consisting of not more than 30 persons shall be appointed by the Minister and their names shall be notified in the *Gazette*.

[16/87; 21/99]

(2) A person shall, subject to subsection (4), be appointed as a member of the panel for a term of 2 years but shall be eligible for reappointment.

(3) A member of the panel who resigns or whose appointment expires during the course of any proceedings of a Board shall for the purpose of such proceedings and until their determination be deemed to remain a member of the Board.

(4) The Minister may at any time remove from office a member of the panel and fill any vacancy in its membership.

### **Continuation of hearing**

**88.**—(1) Where a Board has been constituted in relation to a dispute or matter and before a dispute or matter has been determined, the President or a member constituting the Board is unable to hear or continue to hear or to determine the dispute or matter or has ceased to be the President or a member of the Board, as the case may be, whether by death or otherwise, the Board shall be reconstituted in accordance with section 86.

(2) The Board as reconstituted shall hear and determine the dispute or matter or so much of the dispute or matter as has not been determined and in so hearing may have regard to the evidence given, the arguments adduced and any interim order made during the previous hearing.

[16/87]

### **Protection of members of Board**

**89.** A member of a Board shall in the performance of his functions and duties under this Part have the same protection and immunity as a District Judge.

[16/87]

**Allowances**

**90.** A member of a panel who is a member of a Board for the purposes of hearing a dispute or matter may, in respect of each day on which the Board is engaged in the hearing and determining of the dispute or matter, be paid such allowances as may be prescribed by regulations made under this Act.

[16/87]

**Board to carry out its work expeditiously**

**91.** A Board shall carry out its work expeditiously and shall make a finding or determination within 6 months from the date it is constituted or within such extension of time as may be granted by the Minister.

[16/87]

**Officers of Boards**

**92.—**(1) The Minister may appoint a Registrar of the Boards (referred to in this Part as the Registrar) and such other officers and employees of the Board as the Minister may determine.

[16/87; 21/99]

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

[21/99]

(3) The Registrar shall, in the performance of his functions and duties under subsection (2), have the same protection and immunity as a member of a Board.

[21/99]

(4) The remuneration of the Registrar, officers and employees appointed under subsection (1) and such other expenses of the Boards as the Minister may determine shall be paid out of moneys provided by Parliament.

[16/87; 21/99]

**Proceedings of Board**

**93.—**(1) The proceedings of a Board shall be open to the public and minutes of a Board including a note of any oral evidence given before the Board shall be kept by the President of the Board.

[16/87]

(2) The proceedings of a Board shall be deemed to be judicial proceedings and the members of the Board to be public servants within the meaning of the Penal Code (Cap. 224).

[16/87]

**Order to convene general meeting**

**94.** Where a default is made by a management corporation in holding a general meeting, a Board may, on the application of any person entitled to vote at a meeting of the management corporation, order the management corporation to convene a general meeting.

[16/87]

**Order revoking amendment of by-law**

**95.—(1)** Where, pursuant to an application by any person entitled to vote at a meeting of the management corporation (including both a first mortgagee and a mortgagor of a lot), a Board considers that, having regard to the interest of all subsidiary proprietors in the use and enjoyment of their lots or the common property, an amendment or revocation of a by-law or addition of a new by-law should not have been made or effected, the Board may order that the amendment be revoked, that the revoked by-law be revived or that the additional by-law be revoked.

[16/87]

(2) When making an order under subsection (1) in respect of a by-law referred to in section 41 (3), a Board may direct the payment by the management corporation of compensation to the subsidiary proprietor of the lot referred to in the by-law.

[16/87]

(3) A payment ordered to be made under subsection (2) is recoverable by the subsidiary proprietor as a debt in a court of competent jurisdiction.

[16/87]

**Order invalidating purported by-law**

**96.** Where, pursuant to an application by a person entitled to vote at a meeting of the management corporation (including both a first mortgagee and a mortgagor of a lot), a Board considers that a management corporation did not have the power to make a by-law purporting to have been made by it, the Board may make an order declaring the by-law to be invalid.

[16/87]

**Power of Board to invalidate proceedings**

**97.—(1)** Where, pursuant to an application by a subsidiary proprietor or first mortgagee of a lot, a Board considers that the provisions of this Act have not been complied with in relation to a meeting of the management corporation, the Board may, by order —

(a) invalidate any resolution of, or election held by, the persons present at the meeting; or

(b) refuse to invalidate any such resolution or election. [16/87]

(2) A Board shall not make an order under subsection (1) refusing to invalidate a resolution or election unless it considers —

(a) that the failure to comply with the provisions of this Act did not prejudicially affect any person; and

(b) that compliance with the provisions of this Act would not have resulted in a failure to pass the resolution, or have affected the result of the election, as the case may be.

[16/87]

### **Order varying certain rates of interest**

**98.** Where, pursuant to an application by a subsidiary proprietor or a mortgagee in possession, a Board considers that the management corporation for the subdivided building to which the application relates has determined an unreasonable rate as the rate of interest chargeable for the late payment of a contribution levied under section 42, the Board may, in respect of such contributions as are specified in the order, order that no interest be so chargeable or that the rate so chargeable be a rate specified by the Board in the order instead of the rate so determined.

[16/87]

### **Order for variation of contributions levied or manner of payment thereof**

**99.—**(1) Where, pursuant to an application by a management corporation, a subsidiary proprietor or a mortgagee in possession (whether by himself or another person), a Board considers that any amount levied or proposed to be levied by way of contributions under section 42 in respect of —

(a) a lot in a subdivided building where planning permission for the development of land was granted prior to 15th April 1976; or

(b) a lot which has been subdivided from another lot or has been derived from the amalgamation of 2 or more lots,

is inadequate, excessive or unreasonable, the Board may order the subsidiary proprietor of the lot concerned to pay a different amount from such date as the Board determines.

[16/87; 21/99]

(2) Where an order of a Board under subsection (1) takes effect in relation to a contribution levied by a management corporation that has been wholly or partly paid in respect of a lot, the management corporation shall be deemed to have imposed a levy of the amount determined by the Board with effect from such date as the Board determines.

(3) Notwithstanding section 42 (2), an order may be made by a Board under subsection (1) for the payment of any amount which the Board thinks is fair and adequate.

[16/87]

**Order where voting rights denied or due notice of item of business not given**

**100.**—(1) Where, pursuant to an application by a person under this section, a Board is satisfied that a particular resolution would not have been passed at a general meeting of a management corporation but for the fact that the applicant —

(a) was improperly denied a vote on the motion for the resolution; or

(b) was not given due notice of the item of business pursuant to which the resolution was passed,

the Board may order that the resolution be treated as a nullity on and from the date of the order.

[16/87]

(2) An application for an order under subsection (1) may not be made after 21 days after the date of the meeting at which the resolution was passed.

[16/87]

(3) Where —

(a) an order under subsection (1) is made in respect of a resolution making a by-law amending, adding to or revoking another by-law; and

(b) the by-law made pursuant to that resolution is in force, the by-law shall, subject to its having been or being amended, added to or revoked under section 41, have force and effect on and from the date the order is so made to the same extent as it would have had if the resolution had not been passed.

[16/87]

**Order varying amount of insurance to be provided**

**101.** Where, pursuant to an application by a subsidiary proprietor or the mortgagee of a lot, a Board considers that the amount for which the management corporation for the subdivided building concerned has insured under section 71 is not reasonable, the Board may order the management corporation to vary that amount to a specified amount.

[16/87]

**Order appointing managing agent to exercise or perform certain powers, etc.**

**102.—**(1) Where, pursuant to an application made by a subsidiary proprietor, the mortgagee of a lot or a judgment creditor of a management corporation, a Board is satisfied that it is in the interests of the subsidiary proprietors of all the lots in the subdivided building concerned or the creditors of the management corporation to appoint a managing agent for the management corporation, the Board may order the management corporation to appoint a managing agent to perform the duties specified in the order.

[16/87]

(2) Where a Board makes an order under subsection (1), it may also order that the managing agent shall have and may exercise and perform —

- (a) all the powers, duties and functions of the management corporation for the subdivided building to which the order relates or of the chairman, secretary or treasurer of that management corporation or the council of that management corporation;
- (b) any one or more of those powers, duties or functions specified in the order; or
- (c) all of those powers, duties and functions except those specified in the order.

[16/87]

**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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

(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.

[21/99]

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

[21/99]

(8) Subsection (5) shall apply to any application to a management corporation made before 11th October 1999 as if the application had been made immediately after that date.

[21/99]

### **Order with respect to certain consents affecting common property**

**104.** Where, pursuant to an application by a subsidiary proprietor, a Board considers that the management corporation for the subdivided building to which the application relates has unreasonably refused to consent to a proposal by that subsidiary proprietor to effect alterations to the common property, the Board may make an order that the management corporation consents to the proposal.

[16/87]

### **Order to make or pursue insurance claim**

**105.** Where, pursuant to an application by a subsidiary proprietor, a Board considers that the management corporation for the subdivided building to which the application relates has unreasonably refused to make or pursue an insurance claim in respect of damage to the building or any other property insured by the management corporation under Division 5 of Part IV, the Board may order the management corporation to make or pursue the claim.

[16/87]

### **Order to supply information or documents**

**106.** Where, pursuant to an application by any person, a Board considers that the management corporation for the subdivided

building to which the application relates, or a managing agent for that building or the chairman, secretary or treasurer of that management corporation has wrongfully —

- (a) withheld from the applicant any information to which the applicant is entitled under this Act; or
- (b) failed to make available for inspection by the applicant or his agent any record or document that, under this Act, he is entitled to inspect,

the Board may order that management corporation, managing agent, chairman, secretary or treasurer to supply or make available the information or to make so available the record or document, as the case may require, to the applicant.

[16/87]

### **Appeal against decision of Commissioner under section 52**

**107.**—(1) Any person who is aggrieved by a decision of the Commissioner under section 52 may appeal to a Board against the decision of the Commissioner.

(2) The Board may by order affirm, vary or revoke the decision against or substitute its own decision for the decision appealed against or dismiss the appeal.

[16/87]

### **Appeal to High Court on question of law**

**108.**—(1) No appeal shall lie to the High Court against an order made by a Board except on a point of law.

[16/87]

(2) Where an appeal is made to the High Court, the Court may confirm, vary or set aside the order or remit the order to the Board for reconsideration together with such directions as the Court thinks fit.

(3) The filing of a notice of appeal shall not operate as a stay of execution of an order or suspend the effect of an order unless the Board or the High Court, as the case may be, otherwise orders and any stay or suspension of an order may be subject to such conditions as the Board or High Court thinks fit.

[16/87]

### **General provisions relating to orders under this Part**

**109.**—(1) An order made by a Board may include such ancillary or consequential provisions as the Board thinks fit including costs to be

paid by the applicant, a management corporation or any person against whom the order is made or costs to be paid by a party for making a frivolous application to the Board.

[16/87]

(2) Without prejudice to subsection (1), a Board may order a management corporation, the chairman, secretary or treasurer of a management corporation or its council, a managing agent or a proprietor or other person having an estate or interest in a lot or an occupier of a lot to do or refrain from doing a specified act with respect to a subdivided building and the common property.

[16/87; 21/99]

(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.

[21/99]

### **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.

[21/99]

(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.

[21/99]

### **Witness may be summoned before Board**

**111.**—(1) A Board may summon any person to attend before the Board at the time and place specified in the summons and then and there to give evidence and to produce books, documents or writings in his custody or control which he is required by the summons to produce.

[16/87]

(2) A person served with a summons under subsection (1) who, without reasonable excuse, disobeys the summons shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years.

(3) A person shall not be bound to produce any books, documents or writings not specified or otherwise sufficiently described in the

summons or which he would not be bound to produce upon a subpoena for production in a court.

[16/87]

### **Board may administer oath or affirmation**

**112.**—(1) A Board may administer an oath or affirmation to a person appearing as a witness before the Board, whether or not he has appeared in answer to a summons, and may examine the witness upon oath or affirmation.

[16/87]

(2) A person appearing as a witness before a Board —

- (a) shall not refuse to be sworn or to make an affirmation;
- (b) shall not refuse to answer any question relevant to any proceedings before the Board put to him by the Board or by any person entitled to appear before the Board in those proceedings; and
- (c) shall not knowingly give false testimony in any evidence given by him to the Board.

(3) A witness before a Board shall have —

- (a) the same protection; and
- (b) in addition to the penalties provided by this Act, the same liabilities,

as he would have had if he had been a witness before a court instead of the Board.

[16/87]

### **Penalty for contravention of certain orders**

**113.**—(1) A person who contravenes an order made by a Board to do or refrain from doing a specified act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

[16/87]

(2) A document purporting to be a copy of an order made by a Board shall be admissible in evidence and shall, until the contrary is proved, be deemed to be an order made by the Board.

[16/87]

### **Time when order takes effect**

**114.** Except where provision is otherwise made by this Act or to the extent a Board specifies in an order, an order of a Board shall take

effect when a copy of the order, certified by the Board to be a true copy, is served —

- (a) except as provided in paragraph (b), on the management corporation for the subdivided building to which the order relates; or
- (b) where the order requires a person to do or refrain from doing a specified act, on that person.

[16/87]

## PART VII

### GENERAL

#### **Other rights and remedies not affected by this Act**

**115.** Nothing in this Act shall affect or take away any rights or remedies that a subsidiary proprietor or mortgagee of a lot or a management corporation may have in relation to any lot or the common property apart from this Act.

[16/87]

#### **Management corporation may represent subsidiary proprietors in proceedings**

**116.—**(1) Where all or some of the subsidiary proprietors of the lots in a subdivided building are jointly entitled to take proceedings against any person or are liable to have proceedings taken against them jointly (any such proceedings being proceedings for or with respect to common property), the proceedings may be taken by or against the management corporation as if it were the subsidiary proprietors of the lots concerned.

(2) Any judgment or order given or made in favour of or against the management corporation in any such proceedings shall have effect as if it were a judgment or order given or made in favour of or against the subsidiary proprietors.

[16/87]

(3) Where a subsidiary proprietor is liable to make a contribution to another subsidiary proprietor in respect of a judgment debt arising under a judgment referred to in subsection (2), the amount of that contribution shall bear to the judgment debt the same proportion as the share value of the lot of the first-mentioned subsidiary proprietor bears to the aggregate share value.

[16/87]

**Management corporation's power to take proceedings as agent for subsidiary proprietor in case of structural defects**

**117.** Where —

- (a) the condition of any lot in a parcel affects or is likely to affect the support or shelter provided by that lot for another lot in the same building or the common property; and
- (b) the subsidiary proprietor of the lot in that condition has neglected or refused within a reasonable time to take any proceedings for the purpose of exercising any right or enforcing any remedy available to him to have that condition rectified,

the management corporation may, as agent for the subsidiary proprietor of the lot in that condition but at its own expense, take any of the proceedings referred to in paragraph (b).

[16/87]

**Costs in proceedings by subsidiary proprietors against management corporation**

**118.—**(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.

[21/99]

(2) Where a court or a Board makes an order under subsection (1), the management corporation shall, for the purpose of paying the moneys ordered to be paid by it, levy contributions in accordance with the terms of the order and shall pay the moneys out of the contributions paid pursuant to that levy.

(3) Section 42 (subsection (2) excepted) shall apply to and in respect of contributions levied under subsection (2) in the same way as it applies to contributions levied under that section.

[16/87; 21/99]

**Service of documents on management corporation, subsidiary proprietors and others**

**119.**—(1) A summons or other legal process may be served on a management corporation by leaving it with the chairman or secretary of the management corporation or of the council or with any member of the council.

[16/87]

(2) A document other than a document referred to in subsection (1) may be served on a management corporation —

(a) by leaving it with any person referred to in subsection (1) or in the receptacle provided by the management corporation under section 55; or

(b) by sending it, by registered post, to the management corporation at its address recorded on the folio of the land-register comprising the common property.

[16/87]

(3) Subject to the provisions of this Act, a notice or other document required or authorised by this Act or the by-laws to be served by the Commissioner, a management corporation, a council or the secretary of a council on a proprietor, subsidiary proprietor, lessee, mortgagee or occupier of a lot may be served —

(a) by leaving it —

(i) where the person to be served is an occupier of the lot, at the address of the lot; or

(ii) where an address for the service of notices on the person to be served is recorded in the strata roll, at the address so recorded;

(b) by sending it, by registered post, to the person to be served, where an address for the service of notices on that person is recorded in the strata roll, at the address so recorded and, if that notice or document is not returned through the post office as undelivered, that service shall be deemed to have been made at the time at which the registered letter would in the ordinary course be delivered; or

(c) in the case of a subsidiary proprietor, by affixing the notice on the front door of his lot.

(4) Section 60 (3) of the Land Titles Act (Cap. 157) shall apply to the service of documents on a management corporation and a subsidiary proprietor.

[16/87]



(5) This section shall not apply to notices served in proceedings in the court.

[16/87]

### **Breaches of provisions of Part IV**

**120.**—(1) If a management corporation commits a breach of any of the provisions of Part IV, or makes default in complying with any requirement of, or duty imposed on it by, any of the provisions of Part IV, the management corporation and every member of its council, or every subsidiary proprietor, who is knowingly a party to the breach or default, shall be guilty of an offence and shall be liable on conviction to the penalty expressly prescribed for such breach or default, or, if no penalty is so prescribed, to a fine not exceeding \$2,000.

[16/87]

(2) Where a requirement or duty is imposed on a management corporation by Part IV, any person for whose benefit, or for the benefit of whose lot that requirement or duty is imposed on the management corporation may apply to the court for an order compelling the management corporation to carry out the requirement or perform the duty, as the case may be, and, on such an application being made, the court may make such order as it thinks proper.

[16/87]

### **Legal proceedings**

**121.**—(1) Every application to the court under this Act shall be by originating summons.

[16/87]

(2) Where this Act provides for any sum to be recovered by any person or authority from any other person or authority, the sum may be recovered by an action for a debt in any court of competent jurisdiction.

[16/87]

## **PART VIII**

### **ISSUE OF SUBSIDIARY CERTIFICATES OF TITLE FOR FLATS UNDER OTHER SCHEMES AND ISSUE OF SUBSIDIARY STRATA CERTIFICATES OF TITLE**

#### **Issue of subsidiary certificate of title to registered lessee**

**122.**—(1) A registered lessee may by an application in the prescribed form apply to the Registrar for the issue of a subsidiary

certificate of title in respect of the registered leasehold estate to his flat.

[16/87; S 143/89]

(2) The registered lessee shall at the time of making his application surrender his duplicate lease to the Registrar.

(3) Upon the issue of a subsidiary certificate of title, the Registrar shall enter a memorial in the volume and folio of the land-register of the registered land on or over which the flat is erected to the effect that a subsidiary certificate of title has been issued to the registered lessee for his registered leasehold estate.

[16/87; S 143/89]

(4) The subsidiary certificate of title shall be in the prescribed form and upon its issue any assurance or other dealing affecting the leasehold estate comprised therein shall be subject to the Land Titles Act (Cap. 157).

[16/87; S 143/89]

### **Flats sold by Housing and Development Board**

**123.**—(1) The restriction imposed by section 6 (1) on an assurance disposing of any part of a subdivided building shall not apply to any assurance disposing of any interest in any flat in a subdivided building erected on registered land where the interest in the flat is held under a lease from the Housing and Development Board constituted under the Housing and Development Act (Cap. 129).

[16/87]

(2) Where a strata title plan and an application for the issue of subsidiary strata certificates of title are lodged by the Housing and Development Board with and duly registered by the Registrar, the provisions of this Act relating to a strata title plan and a subsidiary proprietor and Parts IV to VII shall apply to each and every subdivided building comprised in the registered strata title plan.

[16/87]

### **Flats sold by Jurong Town Corporation**

**124.**—(1) The restriction imposed by section 6 (1) on an assurance disposing of any part of a subdivided building shall not apply to any assurance disposing of any interest in any flat in any subdivided building erected on registered land where the interest in the flat is held under a lease from the Jurong Town Corporation constituted under the Jurong Town Corporation Act (Cap. 150).

[16/87]

(2) Where a strata title plan and an application for the issue of subsidiary strata certificates of title are lodged by the Jurong Town Corporation with and duly registered by the Registrar, the provisions of this Act relating to a registered strata title plan and a subsidiary proprietor and Parts IV to VII shall apply to each and every subdivided building comprised in the registered strata title plan.

[16/87]

**Subsidiary strata certificates of title for flats with registered leases under Registration of Deeds Act**

**125.**—(1) Where there are 3 or more flats in a building and subsisting leases for those flats have been registered under the Registration of Deeds Act (Cap. 269), the proprietor of the land together with the proprietors of those flats who altogether own not less than 25% of the total number of flats in the building may lodge with the Registrar an application —

- (a) to have the land brought under the Land Titles Act (Cap. 157); and
- (b) for the issue of subsidiary strata certificates of title for all those flats.

[16/87]

(2) An application submitted to the Registrar under subsection (1) shall be accompanied by —

- (a) a transfer of the proprietor's estate and interest in the land to the proprietors of all the flats in that building as tenants-in-common in the shares according to the ratio of one share to each flat except where the flats are of different sizes, the share in the land allotted to the proprietor of each flat shall have the value determined by the Registrar; and
- (b) a strata title plan (as approved by the Chief Surveyor) prepared for the purpose of the issue of subsidiary strata certificates of title for those flats.

(3) The Registrar may, upon acceptance of the application, dispense with the production of the leases of the flats.

(4) Before issuing subsidiary strata certificates of title in favour of the proprietors of the flats as shown in the records of the Registry of Deeds, the Registrar shall —

- (a) require a notice in the form approved by him to be inserted once in one or more daily newspapers to the effect that the

Registrar will issue the subsidiary strata certificates of title under this section to the proprietors of the flats as shown in the records maintained at the Registry of Deeds after the expiration of 6 weeks from the date of publication of the notice if no valid objection is received by the Land Titles Registry; and

- (b) send by registered post a copy of the notice referred to in paragraph (a) to the proprietors of all the flats at the addresses shown in the transfer referred to in subsection (2).

(5) Notwithstanding subsections (1) to (4), the Registrar may, in order to relieve any case of extreme hardship, in his discretion, issue any subsidiary strata certificate of title in favour of a purchaser of a flat whose assignment of the leasehold estate of the flat has been duly stamped and lodged with the Registrar of Deeds, notwithstanding that the name of the purchaser was not shown in the transfer lodged under subsection (2).

(6) Where the proprietors of the flats who altogether own not less than 25% of the total number of the flats as shown in the records of the Registry of Deeds as at the date of transfer mentioned in subsection (2) have agreed in writing to accept the transfer of the estate and interest of the proprietor of the land, all the proprietors of the flats within the same development and all the respective successors-in-title or assigns shall be deemed to have accepted the transfer of the proprietor's estate and interest in the land and to have given consent to the application for the issue of the subsidiary strata certificates of title by the Registrar and the acceptance of the transfer of the proprietor's estate and interest in the land.

(7) The proprietor of the land shall deposit with the Registrar the title deeds in his possession relating to the land and the Registrar may, after inspection of the title deeds, create a folio of the land-register by issuing a certificate of title for the land on which the flats are erected.

(8) Where the Registrar is satisfied with the evidence of title and that all the necessary documents are in order, the Registrar may issue subsidiary strata certificates of title for the flats after the publication of the notice referred to in subsection (4).

(9) The Registrar may, under subsections (7) and (8), issue the certificate of title and the subsidiary strata certificates of title qualified as to their title or their boundaries and dimensions, and

sections 25 and 165 of the Land Titles Act (Cap. 157) shall apply, with the necessary modifications, to such certificate of title and subsidiary strata certificates of title.

(10) Upon the registration of the strata title plan, the management corporation of the parcel of land shall reimburse the person or persons who incurred any expenditure for the purpose of —

- (a) bringing the land under the Land Titles Act;
- (b) applying for the issue of subsidiary strata certificates of title for all those flats comprised in a building or buildings erected on the parcel;
- (c) lodging the transfer under subsection (2);
- (d) the preparation of the strata title plan for the parcel;
- (e) the publication of the notices referred to in subsection (4) (a); and
- (f) issuing notices to the proprietors of the flats under subsection (4) (b).

(11) It shall be the duty of the management corporation to determine the amount of contributions payable by the subsidiary proprietors of the lots in the subdivided building concerned to its management fund to meet the expenditure referred to in subsection (10) and any contributions so levied by the management corporation shall be deemed to be contributions levied under section 48 (1) (r).

(12) For the purposes of this section, where the registered proprietor of the land on which the building is erected has granted leases for some but not all of the flats in the building, he shall be deemed a proprietor of the flats which are still owned by him.

[16/87]

**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 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 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.

[21/99]

(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 them of the transfer under subsection (1).

[21/99]

(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).

[21/99]

(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.

[21/99]

### **Issue of subsidiary strata certificates of title for flats with subsisting leases registered under Land Titles Act**

**126.**—(1) Where there are subsisting leases of flats registered under the Land Titles Act (Cap. 157), the registered proprietors of the flats who altogether own not less than 25% of the total number of flats comprised in the building erected on the same parcel of land together with the registered proprietor of the land on which the said flats are erected may lodge with the Registrar a transfer of the estate and interest of the registered proprietor of the land to all the registered proprietors of the flats as tenants-in-common in the shares according to the ratio of one share to each flat together with an application for the issue of subsidiary strata certificates of title for the flats.

[16/87]

(2) Where the flats in the building are of different sizes, the shares in the land to be allotted to the registered proprietor of each flat shall have the values determined by the Registrar.

(3) An application submitted under subsection (1) shall be accompanied by a strata title plan (as approved by the Chief Surveyor) prepared for the purpose of the issue of subsidiary strata certificates of title for the flats.

(4) The Registrar may, upon acceptance of the instruments and strata title plan and being satisfied that the instruments and strata title plan are in order, register all the registered proprietors of the flats as the proprietors of the registered land as tenants-in-common and issue the subsidiary strata certificates of title according to the strata title application and the strata title plan lodged and dispense with the production of the duplicate leases of the flats.

(5) Where the registered proprietors of the flats who altogether own not less than 25% of the total number of flats comprised in the building erected on the parcel of land have agreed in writing to accept the transfer of all the estate and interest of the registered proprietor in the land, all the remaining registered proprietors of the flats in the same building shall be deemed to have accepted the transfer and deemed to have applied for the issue of subsidiary strata certificates of title for the flats.

(6) Before issuing subsidiary strata certificates of title in favour of the registered proprietors of the flats as shown in the records of the Land Titles Registry, the Registrar shall —

- (a) require a notice in the form approved by him to be inserted once in one or more daily newspapers to the effect that the Registrar will issue the subsidiary strata certificates of title under this section to the registered proprietors of the flats as shown in the records maintained at the Land Titles Registry after the expiration of 6 weeks from the date of publication of the notice if no valid objection is received by the Registrar; and
- (b) send by registered post a copy of the notice referred to in paragraph (a) to the registered proprietors of all the flats at the addresses shown in the records of the Land Titles Registry or in the transfer lodged under subsection (1) where the addresses differ from that shown in the records of the Land Titles Registry.

(7) Notwithstanding subsections (1), (2) and (3), the Registrar may, in order to relieve any case of extreme hardship, in his discretion, issue any subsidiary strata certificate of title in favour of a

purchaser of a flat whose transfer of the leasehold estate of the flats has been duly stamped and lodged with him, notwithstanding that the name of the purchaser was not shown in the transfer lodged under subsection (1).

(8) The Registrar may, under subsection (4), issue the subsidiary strata certificates of title qualified as to their title or their boundaries and dimensions, and sections 25 and 165 of the Land Titles Act (Cap. 157) shall apply, with the necessary modifications, to such subsidiary strata certificates of title.

(9) Upon the registration of the strata title plan, the management corporation of the parcel of land shall reimburse the person or persons who incurred any expenditure for the purpose of —

- (a) applying for the issue of subsidiary strata certificates of title for all those flats comprised in a building or buildings erected on the parcel;
- (b) lodging the transfer under subsection (1);
- (c) the preparation of the strata title plan for the parcel;
- (d) the publication of the notices referred to in subsection (6) (a); and
- (e) issuing notices to the proprietors of the flats under subsection (6) (b).

(10) It shall be the duty of the management corporation to determine the amount of contributions payable by the subsidiary proprietors of the lots in the subdivided building concerned to its management fund to meet the expenditure referred to in subsection (9) and any contributions so levied by the management corporation shall be deemed to be contributions levied under section 48 (1) (r).

(11) For the purposes of this section, where the registered proprietor of the land on which the building is erected has granted leases for some of but not all the flats in the building, he shall be deemed the registered proprietor of the flats which are still owned by him.

[16/87]

### **Application of section 126 to land vested in Housing and Development Board and HUDC dwellings**

**126A.**—(1) In the application of section 126 to any designated land which is vested in the Housing and Development Board —



- (a) any reference therein to the registered proprietor of the land shall be read as a reference to the Board;
- (b) any reference therein to the registered proprietors of flats shall be read as a reference to the owners of flats;
- (c) any reference therein to 25% of the total number of flats comprised in a building erected on a parcel of land shall be read as a reference to 75% of the total number of flats comprised in the building or buildings within a housing estate built on a parcel or parcels of land vested in the Board; and
- (d) any lease of such land issued by the Board under section 45 (1) of the HUDC Housing Estates Act (Cap. 131) shall be deemed to have been surrendered by all the lessees to the Board on the day immediately before the date an instrument of transfer of such land is lodged under section 126 (1).

[27/95]

(2) In addition to its duties specified in section 126 (9) and (10), the management corporation for any estate or interest in land transferred by the Board under an application under section 126 (1) shall pay to the Board —

- (a) the cost of any estate or interest in land which was the subject of such transfer; and
- (b) the cost of any work carried out by the Board in accordance with the directions of any other public authority prior to such transfer.

[27/95]

(3) The management corporation for any land transferred by the Board pursuant to an application under section 126 (1) shall, upon a written demand by the Board to pay the costs referred to in subsection (2) or any part thereof and the expenses referred to in section 126 (9), pay to the Board not later than 30 days of notice of the written demand those costs or that part thereof and those expenses.

[27/95]

(4) If the costs or expenses referred to in subsection (3) are not paid by the management corporation on the date due, the management corporation shall be liable to pay interest in accordance with the rate specified by the Minister charged with the responsibility for national development, such interest, if unpaid, to constitute a debt due to the Board and recoverable as such.

[27/95]

(5) For the purposes of paying the costs and interest referred to in subsections (2), (3) and (4), the management corporation shall determine the amount of contributions payable by the subsidiary proprietors who are members of the management corporation.

(6) Any contributions so levied by the management corporation shall be deemed to be contributions levied under section 48 (1) (r).

[27/95]

(7) In this section and sections 126B and 129 —

“Board” means the Housing and Development Board constituted under the Housing and Development Act (Cap. 129);

“designated land” means any land or housing estate vested in the Board which the Minister, by notification in the *Gazette*, designates as land to which section 126A applies;

“owner”, in relation to any flat, means —

(a) a purchaser of a leasehold interest in the flat, including a purchaser under an agreement for a lease of the flat;  
or

(b) in any other case, the Board.

[27/95]

**Application of HUDC Housing Estates Act and Housing and Development Act after registration of strata title plan or issue of subsidiary strata certificate of title**

**126B.**—(1) Upon the registration of the strata title plan in respect of any housing estate built on land to which the HUDC Housing Estates Act (Cap. 131) applies —

(a) the HUDC Housing Estates Act shall cease to apply to the housing estate and to all the registered proprietors of flats within the housing estate;

(b) any body corporate constituted under the provisions of the HUDC Housing Estates Act in respect of that land shall continue as a management corporation constituted under the provisions of this Act having as its corporate name the corporate name as prescribed in this Act (referred to in this section as the new management corporation);

(c) the management committee constituted under the HUDC Housing Estates Act of such body corporate shall, subject to this Act, be the council of the new management corporation,

and any person who, immediately before such registration, is a member of the management committee shall be deemed to have been elected under the provisions of this Act as a member of the council of the new management corporation;

- (d) all by-laws relating to the land under the provisions of the HUDC Housing Estates Act (Cap. 131) shall cease to have any force or effect in relation to that land but without prejudice to any right or liability accruing or legal proceedings instituted prior to the registration of the strata title plan;
- (e) any contribution levied by such body corporate under the provisions of the HUDC Housing Estates Act and unpaid on the registration of the strata title plan may be recovered by the new management corporation as if it were a contribution levied by the new management corporation under this Act;
- (f) any charge constituted upon a flat in favour of such body corporate under the provisions of the HUDC Housing Estates Act in connection with any unpaid contributions shall be deemed to be a charge constituted upon the lot corresponding to that flat in favour of the new management corporation under this Act;
- (g) every fund which was, immediately before the registration of the strata title plan, kept by such body corporate under the provisions of the HUDC Housing Estates Act, shall be deemed to be a fund required under the corresponding provisions of this Act to be established and maintained by the new management corporation; and
- (h) any policy of insurance effected by such body corporate in relation to any building within the housing estate in accordance with the provisions of the HUDC Housing Estates Act and in force on the registration of the strata title plan shall continue and deemed to have been effected under this Act, and sections 71 and 72 shall not apply to or in respect of the new management corporation for that housing estate until the expiry of that policy.

[27/95]

(2) In the case of flats built on designated land which have been sold under Part IV of the Housing and Development Act (Cap. 129), the provisions of Part IV of that Act shall cease to apply in relation

to such flats upon the registration of the strata title plan in respect of such designated land.

[27/95]

(3) The Minister may, for the purposes of facilitating any transfer of designated land or the issue of subsidiary strata certificates of title for the flats comprised in any building on such land, make regulations containing such other transitional, consequential or savings provisions as may appear necessary or expedient to the Minister.

[27/95]

**Issue of subsidiary strata certificates of title for flats with subsisting leases registered under Registration of Deeds Act where land is vested in flat-owners as tenants-in-common**

**127.**—(1) Where there are subsisting leases of flats registered under the provisions of the Registration of Deeds Act (Cap. 269) and the registered estate or interest in the land on which the flats are erected is vested, subject to the provisions of the Land Titles Act (Cap. 157), in the lessees of the flats as tenants-in-common in the shares shown in the land-register, the registered lessees of those flats who altogether own not less than 25% of the total number of those flats may lodge with the Registrar an application for the issue of subsidiary strata certificates of title for all those flats.

[16/87]

(2) An application submitted to the Registrar under subsection (1) shall be accompanied by a strata title plan (as approved by the Chief Surveyor) prepared for the purpose of the issue of subsidiary strata certificates of title for those flats.

(3) The Registrar may, upon acceptance of the application, dispense with the production of the leases of the flats.

(4) Before issuing subsidiary strata certificates of title in favour of the registered lessees of the flats as shown in the records of the Registry of Deeds, the Registrar shall —

- (a) require a notice in the form approved by him to be inserted once in one or more daily newspapers to the effect that the Registrar will issue the subsidiary strata certificates of title under this section to the registered lessees of the flats as shown in the records maintained at the Registry of Deeds after the expiration of 6 weeks from the date of publication of the notice if no valid objection is received by the Land Titles Registry; and

- (b) send by registered post a copy of the notice referred to in paragraph (a) to the registered lessees of all the flats at the addresses shown in the records of the Registry of Deeds.

(5) Where the Registrar is satisfied that all the necessary documents are in order, the Registrar may issue subsidiary strata certificates of title for the flats after the publication of the notice referred to in subsection (4).

(6) Any subsidiary strata certificates of title issued by the Registrar under subsection (5) may be qualified as to their title or their boundaries and dimensions, and sections 25 and 165 of the Land Titles Act (Cap. 157) shall apply, with the necessary modifications, to such subsidiary strata certificates of title.

(7) Upon the registration of the strata title plan, the management corporation of the parcel of land shall reimburse the person or persons who incurred any expenditure for the purpose of —

- (a) applying for the issue of subsidiary strata certificates of title for all those flats comprised in a building or buildings erected on the parcel;
- (b) the preparation of the strata title plan for the parcel;
- (c) the publication of the notices referred to in subsection (4) (a); and
- (d) issuing notices to the subsidiary lessees of the flats under subsection (4) (b).

(8) It shall be the duty of the management corporation to determine the amount of contributions payable by the subsidiary proprietors of the lots in the subdivided building concerned to its management fund to meet the expenditure referred to in subsection (7) and any contributions so levied by the management corporation shall be deemed to be contributions levied under section 48 (1) (r).

[16/87]

### **Effect of issue of qualified certificate of title and of subsidiary strata certificates of title**

**128.**—(1) Upon the issue of a qualified certificate of title for the land under section 125, the provisions of the Land Titles Act relating to a qualified certificate of title, except section 21 (1), (2) and (5) of that Act, shall apply to the land comprised therein.

[16/87]

(2) Upon the issue of the subsidiary strata certificates of title for the flats under section 125, 126 or 127, all the provisions of the leases of the flats registered under the provisions of the Registration of Deeds Act (Cap. 269) and the Land Titles Act shall cease to apply to the flats except in respect of any terms, covenants and conditions which were subsisting prior to the date of the issue of the subsidiary strata certificates of title in so far as they relate to any obligations which have yet to be fulfilled or any cause of action which had arisen as between the registered proprietors of the flats themselves and as between the registered proprietors of the flats and the registered proprietors of the land on which the flats are erected.

[16/87]

### **Exemption from stamp duty**

**129.** A transfer lodged under section 125 or 126 shall be exempted from the payment of stamp duty except where the transfer relates to any designated land.

[16/87; 27/95]

## **PART IX**

### **MISCELLANEOUS**

#### **Regulations**

**130.—**(1) The Minister may make regulations not inconsistent with this Act for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations with respect to —

- (a) the fees to be paid to a management corporation for anything to be done under this Act;
- (b) the nomination and election of members of a council of a management corporation;
- (c) the minimum amount of contributions payable by subsidiary proprietors towards the sinking fund of a management corporation;
- (d) the investment of moneys belonging to the sinking funds of management corporations;
- (e) the provision of parking places for the exclusive use of residents of lots in subdivided buildings used for both residential and commercial purposes;

- (f) the preparation of plans and documents for the purposes of this Act;
- (g) the lodgment and registration of plans under this Act;
- (h) the fees to be paid in respect of lodgment and registration of plans and documents under this Act;
- (i) the practice and procedure of the Board; and
- (j) any matter which by this Act is required or permitted to be prescribed or is necessary or convenient to be prescribed for carrying out or giving effect to any provision of this Act.

[16/87]

**FIRST SCHEDULE**Sections 41 (2), (3), (6)  
and (16) and 50 (e)**BY-LAWS****PART I****Chairman, secretary and treasurer of management corporation**

1. The chairman, secretary and treasurer of the council shall also be respectively the chairman, secretary and treasurer of the management corporation.

**Council may employ agents and employees**

2. A council may employ for and on behalf of the management corporation such agents and employees as it thinks fit in connection with the exercise and performance of the powers, duties and functions of the management corporation.

**Notice board**

3. A council shall cause a notice board to be affixed to some part of the common property.

**Powers and duties of secretary of management corporation**

4. The powers and duties of a secretary of a management corporation shall include —

- (a) the preparation and distribution of minutes of meetings of the management corporation;
- (b) the giving on behalf of the management corporation of the notices required to be given under this Act;
- (c) the maintenance of the strata roll;
- (d) the supply of information on behalf of the management corporation in accordance with section 54 (1) (a) and (b);
- (e) the answering of communications addressed to the management corporation; and

FIRST SCHEDULE — *continued*

- (f) the calling of nominations of candidates for election as members of the council.

**Powers and duties of treasurer of management corporation**

5. The powers and duties of a treasurer of a management corporation shall include —

- (a) the notifying of subsidiary proprietors of any contributions levied under this Act;
- (b) the receipt, acknowledgment and banking of and the accounting for any money paid to the management corporation;
- (c) the preparation of any certificate applied for under section 54 (1) (c); and
- (d) the keeping of the books of account referred to in section 48 (1) (j) and the preparation of the statement of accounts referred to in section 48 (1) (k).

## PART II

**Duty to furnish information**

6. Any member of the council shall furnish the Commissioner or any person authorised by him to act on his behalf such information as the member possesses which the Commissioner or any such duly authorised person considers necessary for the purposes of discharging the functions of the Commissioner under this Act or the Buildings and Common Property (Maintenance and Management) Act (Cap. 30).

**Noise**

7. A subsidiary proprietor or occupier of a lot shall not upon the parcel create any noise likely to interfere with the peaceful enjoyment of the subsidiary proprietor or occupier of another lot or of any person lawfully using the common property.

**Vehicles**

8. A subsidiary proprietor or occupier of a lot shall not park or leave any motor vehicle or other vehicle upon the common property except with the approval of the management corporation.

**Obstruction of common property**

9. A subsidiary proprietor or occupier of a lot shall not obstruct the lawful use of the common property by any person.

**Damage to lawns, etc., on common property**

10. A subsidiary proprietor or occupier of a lot shall not —

- (a) damage any lawn, garden, trees, shrub, plant or flower being part of, or situated upon, the common property; or



FIRST SCHEDULE — *continued*

- (b) use for his own purposes as a garden any portion of the common property.

**Damage to common property**

11. A subsidiary proprietor or occupier of a lot shall not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property without the approval in writing of the management corporation, but this by-law shall not prevent a subsidiary proprietor or person authorised by him from installing —

- (a) any locking or other safety device for the protection of his lot against intruders; or
- (b) any screen or other device to prevent entry of animals or insects upon his lot.

**Permission to carry out alterations**

12. A subsidiary proprietor or occupier shall not make any alteration to the windows installed in the external walls of the subdivided building without having obtained the approval in writing of the management corporation.

**Balconies**

13. A subsidiary proprietor or occupier of a lot shall not make any alterations or additions to any balcony of his lot without the written approval of the management corporation.

**Behaviour of subsidiary proprietors and occupiers**

14. A subsidiary proprietor or occupier of a lot when upon the common property shall be adequately clothed and shall not use language or behave in a manner likely to cause offence or embarrassment to the subsidiary proprietor or occupier of another lot or to any person lawfully using the common property.

**Children playing on common property in building**

15. A subsidiary proprietor or occupier of a lot shall take all reasonable steps to ensure that any child, of whom he has control when playing upon the common property, shall not —

- (a) cause any damage to the common property; and
- (b) create any noise likely to interfere with the peaceful enjoyment of the subsidiary proprietor or occupier of another lot.

**Behaviour of invitees**

16. A subsidiary proprietor or occupier of a lot shall take all reasonable steps to ensure that his invitees do not behave in a manner likely to interfere with the peaceful enjoyment of the subsidiary proprietor or occupier of another lot or of any person lawfully using the common property.

FIRST SCHEDULE — *continued***Depositing rubbish, etc., on common property**

17. A subsidiary proprietor or occupier of a lot shall not deposit or throw upon the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the subsidiary proprietor or occupier of another lot or of any person lawfully using the common property.

**Drying of laundry items**

18. A subsidiary proprietor or occupier of a lot shall not, except with the consent in writing of the management corporation, hang any washing, towel, bedding, clothing or other article on any part of the parcel in such a way as to be visible from outside the subdivided building, other than on any lines provided for the purpose and there only for a reasonable period.

**Floor coverings**

19. A subsidiary proprietor or occupier of a lot who carries out any pounding of chillies or other substances for cooking purposes shall ensure that the part of the floor on which the activity is carried out is covered to an extent sufficient to prevent the transmission therefrom of noise likely to disturb the peaceful enjoyment of the subsidiary proprietor or occupier of another lot.

**Storage of flammable liquids, etc.**

20.—(1) A subsidiary proprietor or occupier of a lot shall not use or store upon his lot or upon the common property any flammable chemical, liquid, gas or other flammable material, other than chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any such chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

(2) This by-law shall not apply to any lot where the subsidiary proprietor or occupier thereof has obtained a licence issued under Part V of the Fire Safety Act (Cap. 109A) authorising the use of a lot for a trade or other purpose specified in that Part.

**Refuse disposal**

21.—(1) A subsidiary proprietor or occupier of a lot in a multi-storeyed subdivided building provided with chutes for the disposal of refuse shall —

- (a) ensure that before any refuse is thrown into the chutes it is securely wrapped in plastic bags or other similar materials; and
- (b) not dispose of any large objects into the chutes which may obstruct the free fall of refuse in the chutes.

(2) A subsidiary proprietor or occupier of a lot which is not provided with any chute for the disposal of refuse —

- (a) shall maintain within his lot, or on such part of the common property as may be authorised by the management corporation, in clean and dry condition, an adequately covered receptacle for the disposal of refuse;

**FIRST SCHEDULE — *continued***

- (b) shall ensure that before refuse is placed in the receptacle it is securely wrapped or, in the case of tins or other containers, completely drained;
- (c) for the purpose of having the refuse collected, shall, not more than one hour before the time at which refuse is normally collected, place the receptacle within an area designated for that purpose by the management corporation;
- (d) when the refuse has been collected shall promptly return the receptacle to his lot or other area referred to in sub-paragraph (a);
- (e) shall not place anything in the receptacle of the subsidiary proprietor or occupier of any other lot except with the permission of that subsidiary proprietor or occupier; and
- (f) shall promptly remove anything which he or the refuse collector may have spilled from the receptacle and shall take such action as may be necessary to clean the area within which that thing was so spilled.

**Keeping of animals**

22. A subsidiary proprietor or occupier of a lot shall not keep any animal upon his lot or the common property which may cause annoyance to the subsidiary proprietors or occupiers of other lots.

**Duty to maintain lot**

23. A subsidiary proprietor or occupier of a lot shall maintain his lot including all sanitary fittings, water, gas, electrical and air-conditioning pipes and apparatus thereof in a good condition so as not to cause annoyance to the subsidiary proprietors or occupiers of other lots.

**Lot not to be used for purpose injurious to reputation of building**

24. A subsidiary proprietor or occupier of a lot shall not use his lot for any purpose (illegal or otherwise) which may be injurious to the reputation of the subdivided building.

[16/87]

**SECOND SCHEDULE**

Section 60 (9)

**PROCEEDINGS OF COUNCIL OF  
MANAGEMENT CORPORATION****Chairman to preside at meetings**

1. The chairman shall preside at all meetings of the council at which he is present and, if he is absent from any such meeting, the members of the council present at that meeting shall appoint one of their number to preside at that meeting during the absence of the chairman.

SECOND SCHEDULE — *continued***Meetings of councils**

2.—(1) At any meeting of a council a quorum shall consist, where there is only one member of a council, of that member or, where there are 2 or more members of a council, of the majority of the members of the council.

(2) Subject to this Act, the decision on any matter, where there is only one member of a council, of that member or, where there are 2 or more members of a council, of the majority of the members voting on that matter shall be the decision of the council at any meeting at which a quorum is present.

(3) A council shall cause a record of its decisions, of any notices given to its secretary under section 63 (3), and full and accurate minutes of its meetings to be kept.

**Keeping of records**

3.—(1) The council shall keep minutes of its proceedings and shall cause minutes of general meetings to be kept.

(2) The council shall —

(a) cause proper books of account to be kept in respect of all sums of money received and expended by it, specifying the matters in relation to which the receipts and expenditure take place; and

(b) on the application of a subsidiary proprietor or mortgagee of a lot (or any person authorised in writing by him) make the books of account available for inspection at all reasonable times.

(3) The council shall permit the Commissioner or any person authorised by him to act on his behalf at all reasonable times full and free access to accounting and other records of the management corporation and permit the Commissioner or such person to make copies of or make extracts from any such accounting or other records.

**Notice of council meetings**

4. For not less than 24 hours ending immediately before a council holds a meeting, it shall cause a notice of its intention to hold the meeting, containing the agenda for the meeting, to be displayed on the notice board of the management corporation.

**Subsidiary proprietor's attendance at council meetings**

5. A subsidiary proprietor shall be entitled to attend a meeting of the council but may not address the meeting except with the permission of the council.

**Acts, etc., of council valid notwithstanding vacancy, etc.**

6. Any act or proceeding of a council done in good faith shall, notwithstanding that at the time when the act or proceeding was done, taken or commenced there was —

SECOND SCHEDULE — *continued*

- (a) a vacancy in the office of a member of the council; or
- (b) any defect in the appointment, or any disqualification of any such member,

be as valid as if the vacancy, defect or disqualification did not exist and the council were fully and properly constituted.

[16/87]

## THIRD SCHEDULE

Sections 40 and 48 (1) (l)

GENERAL MEETINGS OF  
MANAGEMENT CORPORATION**Notice of general meetings**

1.—(1) Notice of a general meeting of a management corporation shall be served on each subsidiary proprietor and first mortgagee of a lot, as ascertained from the strata roll, at least 14 days before the meeting.

(2) Every such notice for an annual general meeting shall —

- (a) be accompanied by a copy of the statement of accounts of the management corporation last prepared by the management corporation in accordance with section 48 (1) (j) and a copy of the auditor's report on the accounts of the management corporation; and
- (b) include a motion for the adoption of those accounts.

(3) Every such notice for an annual general meeting or an extraordinary general meeting shall —

- (a) specify the place, day and hour for the meeting;
- (b) include each proposed resolution to be considered at the meeting;
- (c) specify any other business to be transacted at the meeting; and
- (d) inform each person to whom the notice is addressed that he may vote in respect of each proposed resolution and, where relevant, on election of members of the council —
  - (i) in the case of a subsidiary proprietor of a lot subject to a first mortgage shown on the strata roll, only if the mortgagee fails or neglects to exercise the voting power conferred upon him by this Schedule;
  - (ii) except in the case of a unanimous resolution, only if all contributions levied and payable on the lot, and any other moneys recoverable under this Act by the management corporation from him at the date of the notice (being contributions levied on him, or moneys recoverable from him, in respect of the lot of which he is the subsidiary proprietor or first mortgagee) have been duly paid at least 3 days before the commencement of the meeting; and

THIRD SCHEDULE — *continued*

(iii) either in person or by proxy at the meeting.

(4) No motion shall be submitted at a general meeting unless notice of the resolution has been given in accordance with this paragraph.

(5) A meeting at which a special or unanimous resolution is to be proposed shall be deemed not to be duly convened by the council if it does not give such notice thereof as is required by this Act in the case of special and unanimous resolutions.

**Persons entitled to vote at general meetings**

2.—(1) A person shall be entitled to vote in respect of any lot on any proposal submitted at a general meeting of a management corporation or on any election of members of the council only if he is the subsidiary proprietor or a mortgagee in possession or a receiver of that lot as shown on the strata roll and has paid to the management corporation all contributions and any other moneys levied or recoverable by the management corporation under this Act.

(2) Notwithstanding any other provision of this paragraph, a first mortgagee, as shown on the strata roll, of a lot shall be entitled to vote in respect of that lot on any proposals submitted at a general meeting of a management corporation or on any election of members of the council and, if he votes on that proposal, any vote cast by the subsidiary proprietor of that lot on the proposal shall not be counted.

(3) The vote of co-proprietors or co-mortgagees may be cast by any of them in person or by a proxy and if both co-proprietors or co-mortgagees are present at a meeting of the management corporation the vote of the senior who casts a vote, whether in person or by a proxy, shall be accepted to the exclusion of the votes of the others; and for this purpose seniority shall be determined by the order in which the names stand in the strata roll.

(4) Only the subsidiary proprietor entitled to the first of 2 or more successive estates in a lot shall, subject to this Schedule, be entitled to cast a vote on any proposal submitted at a general meeting of a management corporation or on any election of members of the council.

(5) A subsidiary proprietor who is the trustee of a lot shall, subject to this Schedule, be entitled to cast a vote on any proposal submitted at a general meeting of a management corporation or on any election of members of the council and the persons beneficially interested in the trust shall not be entitled to cast such a vote.

(6) The voting rights conferred by this paragraph shall be subject to section 59 (9) and (10).

**Quorum**

3.—(1) No business shall be transacted at any general meeting of a management corporation unless a quorum of members is present.

**THIRD SCHEDULE — *continued***

(2) For the purposes of this paragraph, the number of subsidiary proprietors present at the meeting either in person or by proxy who own not less than 50% of share values for all the lots shown on the strata title plan shall form a quorum.

(3) If within half an hour appointed for holding a general meeting no quorum of subsidiary proprietors is present, the general meeting, not being a general meeting convened on receipt of a requisition by members, may be held as if a quorum is present if there are 2 or more subsidiary proprietors present in person.

**Motions out of order**

4. At a general meeting of a management corporation, the chairman may rule that a motion submitted at the meeting is out of order if he considers that the motion, if carried, would conflict with this Act or the by-laws or would otherwise be unlawful or unenforceable.

**Method of casting vote**

5. Except as provided in paragraph 2 (3), a vote on a motion submitted at a general meeting of a management corporation or on any election of members of the council may be cast by the person entitled to vote, either personally or by his duly appointed proxy.

**Chairman to preside**

6. The chairman of the management corporation shall preside at any general meeting of the management corporation at which he is present and, in his absence from any such meeting, the persons present at that meeting and entitled to vote on motions submitted at that meeting may elect one of their number to preside at that meeting and the person so elected shall, while he is so presiding, be deemed to be the chairman of the management corporation.

**List of names of persons entitled to vote**

7. The secretary of the management corporation shall put up a list of the names of the persons who are entitled to vote at a general meeting on the notice board maintained on the common property at least 48 hours before the general meeting.

**Counting of votes on election of council**

8. Each person entitled to vote on an election of members of the council shall have one vote in respect of each lot which he is entitled to vote.

**Counting of votes on motion**

9.—(1) Subject to this paragraph, a motion submitted at a general meeting of a management corporation shall be decided according to the number of votes cast for and against the motion, whether personally, by proxy or in writing, each person entitled to vote having one vote in respect of each lot in respect of which he is

**THIRD SCHEDULE — *continued***

entitled to vote unless a poll is demanded by any person entitled to vote at the general meeting before a vote is taken as aforesaid.

(2) If —

(a) a poll is demanded by any person entitled to vote at a general meeting of a management corporation on a motion submitted at that meeting and the demand is made by that person personally at the meeting; or

(b) a motion submitted at such a meeting is for a resolution which, if it is to be effective, is required by this Act to be a special resolution,

the motion shall be decided according to the value, ascertained in accordance with sub-paragraphs (3) and (4), of the votes cast for and against the motion, whether personally, by proxy or in writing.

(3) Subject to sub-paragraph (4), for the purposes of sub-paragraph (2) the value of a vote cast on a motion submitted at a general meeting of a management corporation by a person entitled to vote in respect of a lot shall be equal to the share value of that lot.

(4) For the purposes of sub-paragraph (2), the value of the vote cast by a subsidiary proprietor of a provisional lot shall be 25% of the value that, but for this sub-paragraph, his vote would have under sub-paragraph (3), ignoring any fraction.

(5) A poll shall be taken in such manner as the chairman thinks fit.

(6) A demand for a poll may be withdrawn by the person who made it.

**Chairman's declaration of vote**

10. The declaration of the chairman of the result of the voting on any proposal submitted at a general meeting of the management corporation, otherwise than on a poll, shall be conclusive without proof of the votes recorded for or against the proposal.

**General meetings valid if attended only by chairman**

11. A general meeting of a management corporation shall, subject to paragraph 3, be validly held notwithstanding that the only person present at the meeting is the chairman of the management corporation.

**Requisition for motions to be included on agenda for general meeting**

12.—(1) Any person entitled to vote at a general meeting of a management corporation may by notice in writing served on the secretary of the council require inclusion in the agenda of the next general meeting of the management corporation (other than a meeting in respect of which notices have already been given under paragraph 1 (4)) of a motion set out in the first-mentioned notice and the secretary shall comply with the notice.



**THIRD SCHEDULE — *continued***

(2) For the purposes of sub-paragraph (1), a subsidiary proprietor who, but for the existence of a mortgage over his lot, would be entitled to vote at a general meeting of the management corporation shall be deemed to be entitled to vote at that meeting.

**Amendment or revocation of unanimous or special resolutions**

13. A unanimous resolution or special resolution of a management corporation shall not be amended or revoked except by a subsequent unanimous resolution or special resolution, as the case may be.

**Duties of proprietor until council is elected**

14. Until the offices of the chairman, secretary and treasurer of the management corporation are filled or until the expiration of the first annual general meeting, whichever first happens, the powers, duties and functions conferred or imposed on the holders of those offices shall be exercised and performed by the proprietor or by his agent duly authorised in writing.

**Meetings of management corporation before first annual general meeting**

15.—(1) Until the first annual general meeting of the management corporation is held, the secretary of the management corporation may convene an extraordinary general meeting and shall do so on receipt of a requisition signed by one or more persons entitled to vote in respect of one or more lots, the share value or the sum of the share value of which is at least 25% of the aggregate share value.

(2) The provisions of this Schedule (paragraph 1 (2) excepted) shall apply to and in respect of a meeting referred to in sub-paragraph (1) so far as those provisions are not inconsistent with, or incapable of applying to, such a meeting.

**Company may appoint representative to attend meetings**

16. A company which is a subsidiary proprietor may under the seal of the company or the hand of its director or any duly authorised attorney appoint such person as it thinks fit to act as its representative either at a particular meeting or at all meetings of the management corporation and a person so authorised shall in accordance with his authority or until his authority is revoked by the company be entitled to exercise the same powers on behalf of the company as the company could exercise if it were an individual.

**Instrument of proxy**

17.—(1) An instrument appointing a proxy shall be in writing under the hand of the appointer or of his attorney duly authorised in writing or, if the appointer is a company, either under seal or under the hand of an officer or attorney duly authorised.

(2) A proxy need not be a subsidiary proprietor.

THIRD SCHEDULE — *continued*

(3) The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll.

**Form of proxy for voting for or against a resolution**

18. Where it is desired to afford subsidiary proprietors an opportunity of voting for or against a resolution, the instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:

I/We, \_\_\_\_\_, of \_\_\_\_\_,  
being a member/members of the above-named  
management corporation, hereby appoint \_\_\_\_\_,  
of \_\_\_\_\_, or failing him,  
of \_\_\_\_\_, as my/our proxy to vote for me/us on  
my/our behalf at the [annual or extraordinary, as the case may be] general meeting  
of the management corporation, to be held on the \_\_\_\_\_ day of  
20\_\_\_\_\_, and at any adjournment thereof.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

This form is to be used \*in favour of/against the resolution.

**Proxy to be deposited at registered address of management corporation**

19. The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed or a notarially certified copy of that power or authority shall be deposited at the registered address of the management corporation, or at such other place in Singapore as is specified for that purpose in the notice convening the meeting, not less than 48 hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote, or, in the case of a poll, not less than 48 hours before the time appointed for the taking of the poll, and in default the instrument of proxy shall not be treated as valid.

**Authority not to be revoked by death of principal, etc.**

20. A vote given in accordance with the terms of an instrument of proxy or attorney shall be valid notwithstanding the previous death or unsoundness of mind of the principal or revocation of the instrument or of the authority under which the instrument was executed, or the transfer of the share in respect of which the instrument is given, if no intimation in writing of such death, unsoundness of mind, revocation, or transfer as aforesaid has been received by the management corporation at the registered office before the commencement of the meeting or adjourned meeting at which the instrument is used.

[16/87; 21/89]

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\*Strike out whichever is not desired. [Unless otherwise instructed, the proxy may vote as he thinks fit.]

## FOURTH SCHEDULE

Sections 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

FOURTH SCHEDULE — *continued*

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 or the Registration of

FOURTH SCHEDULE — *continued*

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.

[21/99]

LEGISLATIVE HISTORY  
LAND TITLES (STRATA) ACT  
(CHAPTER 158)

**1. Act 41 of 1967 — Land Titles (Strata) Act 1967**

Date of First Reading	:	21.12.66 (Bill No. 60/66 published on 3.1.67)
Date of Second Reading	:	27.2.67
Referred to Select Committee	:	Parl. 12 of 1967 presented to Parliament on 7.12.67
Date of Third Reading	:	21.12.67
Date of commencement	:	15.5.68

**2. Act 37 of 1970 — Land Titles (Amendment) Act 1970**

(Consequential amendments made by)

Date of First Reading	:	22.7.70 (Bill No. 32/70 published on 27.7.70)
Date of Second and Third Readings	:	2.9.70
Date of commencement	:	1.12.70

**3. Act 4 of 1976 — Land Titles (Strata) (Amendment) Act 1976**

Date of First Reading	:	29.7.75 (Bill No. 32/75 published on 1.8.75)
Date of Second Reading	:	19.8.75
Referred to Select Committee	:	Parl. 1 of 1976 presented to Parliament on 16.2.76
Date of Third Reading	:	1.3.76
Date of commencement	:	15.4.76

**4. Act 23 of 1982 — Land Titles (Strata) (Amendment) Act 1982**

Date of First Reading	:	27.7.82 (Bill No. 13/82 published on 4.8.82)
Date of Second and Third Readings	:	31.8.82
Date of commencement	:	15.10.82

**5. Act 16 of 1987 — Land Titles (Strata) (Amendment) Act 1987**

Date of First Reading	:	5.5.86 (Bill No. 10/86 published on 6.5.86)
Date of Second Reading	:	29.7.86
Referred to Select Committee	:	Parl. 10 of 1987 presented to Parliament on 25.6.87
Date of Third Reading	:	28.7.87
Date of commencement	:	1.12.87

LEGISLATIVE HISTORY  
LAND TITLES (STRATA) ACT  
(CHAPTER 158)

**6. Act 24 of 1991 — Land Surveyors Act 1991**

(Consequential amendments made by)

Date of First Reading	:	27.2.91 (Bill No. 11/91 published on 28.2.91)
Date of Second Reading	:	22.3.91
Referred to Select Committee	:	Parl. 3 of 1991 presented to Parliament on 17.6.91
Date of Third Reading	:	28.6.91
Date of commencement	:	30.8.91

**7. Act 27 of 1995 — Land Titles (Strata) (Amendment) Act 1995**

Date of First Reading	:	25.5.95 (Bill No. 22/95 published on 26.5.95)
Date of Second and Third Readings	:	7.7.95
Date of commencement	:	4.8.95

**8. Act 3 of 1998 — Planning Act 1998**

(Consequential amendments made by)

Date of First Reading	:	19.11.97 (Bill No. 18/97 published on 20.11.97)
Date of Second and Third Readings	:	14.1.98
Date of commencement	:	1.4.98

**9. Act 21 of 1999 — Land Titles (Strata) (Amendment) Act 1999**

Date of First Reading	:	29.6.98 (Bill No. 28/98 published on 30.6.98)
Date of Second Reading	:	31.7.98
Referred to Select Committee	:	Parl. 2 of 1999 presented to Parliament on 19.4.99
Date of Third Reading	:	4.5.99
Date of commencement	:	11.10.99

## COMPARATIVE TABLE

### LAND TITLES (STRATA) ACT (CHAPTER 158)

The following provisions in the 1988 Revised Edition of the Land Titles (Strata) Act have been renumbered by the Law Revision Commissioners in this 1999 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Land Titles (Strata) Act.

<b>1999 Ed.</b>	<b>1988 Ed.</b>
<b>6—(1) and (1A)</b>	<b>6—(1)</b>
<b>7—(9) and (9A)</b>	<b>7—(9)</b>
<b>8—(3) and (4)</b>	<b>8—(3)</b>
(5)	(4)
<i>Omitted</i>	<b>11—(5)</b>
<b>22—(2) and (2A)</b>	<b>22—(2)</b>
<b>23—(2) to (2A)</b>	<b>23—(2)</b>
<b>24—(2) and (2A)</b>	<b>24—(2)</b>
<b>26—(1) to (1A)</b>	<b>26—(1)</b>
<b>35—(1) and (2)</b>	<b>35</b>
<b>41—(14) and (15)</b>	<b>41—(14)</b>
(16)	(15)
(17)	(16)
<b>42—(4)</b>	<b>42—(13)</b>
(5)	(4)
(6)	(5)
(7)	(6)
(8) and (8A)	(7)
(9)	(8)
(10) and (10A)	(9)
(11)	(10)
(12)	(11)



<b>1999 Ed.</b>	<b>1988 Ed.</b>
(13)	(14)
(14)	(12)
<i>Omitted</i>	<b>43</b> —(12)
<b>44</b> —(1) and (2)	<b>44</b>
<b>62</b> —(7) and (7A)	<b>62</b> —(7)
<b>66</b> —(3) and (3A)	<b>66</b> —(3)
<b>68</b> —(1) and (1A)	<b>68</b> —(1)
(1B)	Proviso to (1)
<b>77</b> —(8) and (9)	<b>77</b> —(8)
(10)	(9)
<b>78</b> —(1) and (1A)	<b>78</b> —(1)
(9) and (9A)	(9)
<b>81</b> —(7) and (7A)	<b>81</b> —(7)
<b>86</b> —(2)	<b>86</b> —(1A)
(3)	(1B)
(4)	(2)
(5)	(2A)
(6)	(2B)
(7)	(3)
<b>87</b> —(2) and (3)	<b>87</b> —(2)
(4)	(3)
<b>88</b> —(1) and (2)	<b>88</b>
<b>92</b> —(2)	<b>92</b> —(1A)
(3)	(1B)
(4)	(2)
<b>107</b> —(1) and (2)	<b>107</b>
<b>116</b> —(1) and (2)	<b>116</b> —(1)
(3)	(2)
<b>118</b> —(2) and (3)	<b>118</b> —(2)

<b>1999 Ed.</b>	<b>1988 Ed.</b>
<b>126A</b> —(3) and (4)	<b>126A</b> —(3)
(5) and (6)	(4)
(7)	(5)