

THE STATUTES OF THE REPUBLIC OF SINGAPORE

HUDC HOUSING ESTATES ACT

(CHAPTER 131)

**Act
19 of 1984**

Amended by
6 of 1986
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HUDC Housing Estates Act

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An Act for the establishment of bodies corporate comprising the owners of flats in the housing estates known as HUDC housing estates to take over the maintenance and management of those estates from the Housing and Development Board, and for matters connected therewith.

[24th August 1984]

PART I

PRELIMINARY

Short title. **1.** This Act may be cited as the HUDC Housing Estates Act.

Inter-pretation. 6/86. **2.—(1)** In this Act, unless the context otherwise requires —

Cap. 129. “Board” means the Housing and Development Board constituted under section 3 of the Housing and Development Act;

“body corporate” means a body corporate constituted under an order made by the Minister pursuant to section 3;

“Commissioner” means the Commissioner of Buildings appointed under section 3 (1) of the Buildings and Common Property (Maintenance and Management) Act; Cap. 30.

“committee” means the management committee of a body corporate;

“common property”, in relation to the subdivided buildings in a housing estate, means so much of the land leased by the Board to all the owners of the flats in the housing estate as tenants-in-common not being comprised in any flat in the estate leased by the Board to any person and includes —

- (a) the foundations, columns, beams, supports, walls, roofs, lobbies, corridors, stairs, stairways, fire escapes, entrances and exits of the buildings;
- (b) the roof and storage spaces;
- (c) the central and appurtenant installations for services such as power, light, gas and water;
- (d) escalators, lifts, water-tanks, pumps, motors, fans, compressors, ducts and all other apparatus and installations existing for common use;
- (e) all the common facilities in the housing estate built for the use or enjoyment of the residents of the estate;
- (f) car parks, recreational facilities, gardens and parking areas;
- (g) directional signs and sign boards, guard-house and facilities for security guards; and
- (h) all other parts of the land intended for the use or enjoyment of all the residents of the housing estate;

“company” means —

- (a) a company, association or other body 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 such society, association or body or in the name of its secretary or other officer duly appointed for that purpose;

“competent 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 and use of any building under the Planning Act or under any other written law;

Cap. 232.

“flat” means a unit in any of the housing estates built on any of the parcels of land which are more particularly described in the First Schedule being a unit which is used as a separate dwelling or for commercial purposes;

“housing estate” means any housing estate built on any of the parcels of land which are more particularly described in the First Schedule;

“interest”, in relation to a flat, means any interest in land recognised as such by law, and includes an estate in land;

“land” includes land, freehold or leasehold, or of whatever tenure, whether or not held apart from the surface, and buildings or parts thereof (whether completed or otherwise and whether divided horizontally, vertically or in any other manner), and tenements and hereditaments, corporeal or incorporeal;

“member” means a member of a body corporate;

“owner”, in relation to a flat, means the owner for the time being of that flat having a leasehold estate in the flat created by a lease registered under the Land Titles Act and having an unexpired term of not less than 21 years computed from the date of lodgment of the lease with the Registrar (whether such lease has been created before, on or after the commencement of this Act);

Cap. 157.

“Registrar” means the Registrar of Titles appointed under the Land Titles Act;

“special resolution” means a resolution passed at a duly

convened general meeting of a body corporate of which at least 14 days' notice specifying the proposed resolution as a special resolution has been given and against which not more than 10% of the owners of all the flats in the housing estate concerned have cast their votes.

(2) This Act shall apply to the housing estates which are built on the lands which are more particularly described in the First Schedule.

PART II

MANAGEMENT OF HOUSING ESTATES

3.—(1) The Minister may, from time to time, by order published in the *Gazette*, constitute on such date as the Minister may appoint a body corporate by such name as the Minister may designate in the order comprising the owners of all the flats in the buildings erected in any housing estate or part thereof which is described therein.

Constitution of bodies corporate.

(2) A copy of the order shall be served on the Registrar of Titles who shall make an entry on the relevant parcel of land in the Land-Register to the effect that a body corporate has been constituted under subsection (1) for the buildings erected on that parcel.

4.—(1) A body corporate constituted under section 3 (1) shall by virtue of this Act have power to sue and be sued in its corporate name and to perform such other acts as bodies corporate may by law perform, and to exercise and perform such other powers, duties and functions as are conferred or imposed on it by or under this Act.

Powers, duties and functions of body corporate.

(2) In respect of a housing estate described in an order made under section 3 (1), a body corporate shall have the control, management and administration of the common property of that estate and shall perform and exercise the powers, duties and functions as are conferred or imposed on it by or under this Act.

5.—(1) The common seal of a body corporate shall be kept by such owners or members of the committee as the body corporate determines or, in the absence of any such determination, by the secretary of the committee.

Common seal of body corporate.

(2) The common seal of a body corporate shall only be affixed to an instrument or document in the presence of such two persons, being members of the committee, as the body corporate determines or, in the absence of any such determination, in the presence of the secretary and any other member of the committee, who shall sign the instrument to which the seal is affixed.

Meetings
of body
corporate.

6.—(1) The Board shall, within 6 months of the formation of a body corporate, convene a general meeting of the body corporate to be held within that period.

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

- (a) to decide whether insurances effected by the body corporate should be confirmed, varied or extended;
- (b) to determine the amounts to be raised for the management fund and the sinking fund of the body corporate;
- (c) to determine the number of members of the management committee and elect the members of the committee;
- (d) to decide what matters, if any, shall be determined only by the body corporate in general meeting; and
- (e) to decide whether a managing agent should be appointed under section 20 by the body corporate and, if a managing agent is to be appointed, which powers, duties or functions of the body corporate should be delegated to him.

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

(4) The Fourth Schedule shall have effect with respect to the meetings of and the voting at the meetings of bodies corporate.

By-laws for
regulation
of housing
estates.

7.—(1) Every housing estate in respect of which an order has been made by the Minister under section 3 (1) shall be regulated by the by-laws which are set out in the Second Schedule for the control, management, use and enjoyment of the flats and the common property in every housing estate.

(2) Without limiting the operation of any other provision of this Act, the by-laws for the time being in force in respect

of a housing estate bind the body corporate and the owners and any mortgagee in possession (whether by himself or any other person), or lessee or occupier, of a flat in the housing estate to the same extent as if the by-laws had been signed and sealed by the body corporate and each owner and each such mortgagee, lessee and occupier respectively and as if they contained mutual covenants to observe and perform all the provisions of the by-laws.

(3) A lease of a flat in a housing estate shall be deemed to contain an agreement by the lessee that he will comply with the by-laws for the time being in force.

(4) The body corporate or an owner of a flat in the housing estate concerned 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 or the body corporate, as the case may be, and the court may make such order against any such person, the body corporate or the members of the committee, as the court thinks fit.

(5) Any person who commits a breach of any of the by-laws set out in the Second Schedule or makes default in complying with any of the said by-laws, and every member 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. 6/86.

8.—(1) A body corporate may levy the contributions determined by it in accordance with section 13 (1) (l) and (m) and the contributions referred to in section 13 (1) (q) by serving on the owners of the flats in the housing estate concerned notice in writing of the contributions payable by them in respect of their respective flats. Levies
by bodies
corporate.

(2) Contributions levied by a body corporate shall be levied in respect of each flat in the housing estate concerned and shall be payable, subject to this section, by the owners of the flats and the amount of contributions payable by the owner of a flat which is permitted under the Planning Act to be used for non-residential purposes shall be twice the amount of the contributions payable by the owner of a flat 6/86.
Cap. 232.

Cap. 232. which is permitted under the Planning Act to be used solely for residential purposes.

(3) In respect of any contribution levied under subsection (1), the owner of a flat shall be liable, jointly and severally with any person who was liable to pay that contribution before he became the owner of the flat, to pay such part of that contribution as was unpaid when he became the owner of that flat.

(4) Without affecting the liability of the owner of a flat in respect of any contribution levied under this section, where a mortgagee is in possession (whether by himself or any other person) of a flat, he shall be liable jointly and severally with the owner of the flat which he is in possession for any contribution levied on that owner 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.

(5) Any contribution levied under this section —

(a) shall become due and payable to the body corporate in accordance with the decision of the body corporate to make the levy;

(b) if not paid within 30 days when it becomes due and payable, shall bear interest at such rate as may be prescribed by the Minister unless the body corporate determines in general meeting (either generally or in a particular case) that the interest shall be waived; and

(c) may be recovered as a debt by the body corporate in any court of competent jurisdiction,

and any interest so paid shall form part of the fund to which the contribution belongs.

(6) Where any contribution and interest thereon levied under this section remains unpaid after the expiry of a period of 14 days from the date the body corporate has sent a written demand by registered post to an owner of the flat in respect of which the contribution is levied, the owner of the flat shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and to a further fine not exceeding \$100 for every day during which the contribution remains unpaid after conviction.

(7) For the purposes of this section, “owner”, in relation to a flat, includes —

(a) the person for the time being receiving the rent of

the flat, whether as agent or trustee or as receiver, or who would receive the rent if the flat were let to a tenant; and

- (b) the person whose name is included in the Valuation List referred to in the Property Tax Act as the owner of the flat for the purposes of that Act. Cap. 254.

9.—(1) Where —

- (a) any contribution is levied under section 8; or
 (b) an amount is recoverable by the body corporate from the owner of a flat pursuant to section 11,

Recovery of contribution from sale of a flat.

and such contribution or amount remains unpaid on the expiry of a period of 30 days after the body corporate has sent a written demand for the contribution or amount, that contribution or amount including any interest thereon (if any) shall constitute a charge on the flat in favour of the body corporate upon lodgment of an instrument of charge by the body corporate with and the registration thereof by the Registrar.

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

- (a) the body corporate shall, subject to subsection (3), have the power of sale and all other powers relating or incidental thereto as if the body corporate is a registered mortgagee; and
 (b) the amount of contribution due (including any interest thereon) shall be subject to all statutory rights and charges of any public authority over the flat and to all encumbrances registered or notified prior to the date of lodgment of the instrument of charge and to all moneys owing by the owner of the flat to the Board.

(3) The body corporate shall not proceed under subsection (2) (a) to sell the flat unless —

- (a) the body corporate passes a special resolution at a general meeting to exercise its power of sale;
 (b) a notice of the intended sale has been published once in one or more daily newspapers as approved by the Registrar;
 (c) a notice of the intended sale has been given to the Board;

- (d) during the period of 6 weeks after the date of such publication no payment has been received for the contribution or amount including interest thereon due and the cost of publishing the notice referred to in paragraph (b) as well as any other necessary incidental charges; and
- (e) there is no legal action pending in court to restrain the body corporate from proceeding with the sale.

(4) Where an assignment or other assurance of a flat has been executed by the body corporate in the exercise of its power of sale as a chargee pursuant to subsections (2) and (3) and lodged with the Registrar for registration —

- (a) such assignment or assurance 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 body corporate authorising the exercise of its power of sale with the seal of the body corporate affixed thereto in the presence of two members of the committee of the body corporate;
- (ii) a copy of each publication containing the notice referred to in subsection (3) (b);
- (iii) a copy of the notice referred to in subsection (3) (c);
- (iv) a statutory declaration made by the members of the committee of the body corporate referred to in sub-paragraph (i) jointly stating that the contribution and interest due thereon including all necessary incidental charges have not been paid and that there is no legal action pending in court to restrain the body corporate from proceeding with the sale of the flat; and
- (v) if the purchaser is a foreign person within the meaning of the Residential Property Act, a copy of the written approval given by the Controller of Residential Property to the purchaser to buy the flat; and

(b) neither the purchaser of the flat from the body corporate nor the Registrar shall be concerned to inquire into the regularity or validity of the sale or transfer.

(5) Where the body corporate has wrongfully or otherwise exercised its power of sale in contravention of this section, every member of the committee of the body corporate present when the special resolution was passed or in whose presence the seal of the body corporate was affixed to the certified true copy of the special resolution passed and lodged with the transfer pursuant to subsection (4) 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 one year or to both.

(6) Where an instrument of charge has been registered against a flat under this section, the owner of the flat shall, upon payment of the amount of the contribution or amount due including interest thereon and any necessary incidental charges, be entitled to an instrument of discharge executed and acknowledged by the body corporate as to the receipt of such payment, and upon registration of such instrument of discharge, or in the event of the body corporate refusing to execute a discharge, an order of court declaring that the flat shall be discharged from the charge, the flat shall be freed from the charge constituted under this section.

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

(8) This section shall not affect the rights and powers conferred on the body corporate by sections 8 and 11 to recover the contribution or any amount due and interest thereon including any legal costs and incidental charges necessarily incurred for the recovery of such contribution or amount in respect of any flat as a civil debt from the owner of, or his successor in title to, the flat.

(9) 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 body
corporate.

10. The payment of any expenditure lawfully incurred by the body corporate 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 body corporate, and a member shall only be liable to pay such amount which he would have to pay if contributions were levied by the body corporate pursuant to section 8 to raise the necessary sum for the payment of the expenditure.

Power
of body
corporate
to carry
out work.

11.—(1) Where a notice has been served on the owner of a flat by a public authority requiring that owner to carry out any work in relation to that flat and the notice is not complied with, the body corporate may carry out the work.

(2) Where the owner, mortgagee in possession, lessee or occupier of a flat fails or neglects to carry out any work necessary to remedy a breach of the duty imposed on him by section 21 (a), the body corporate may carry out that work.

(3) Where the body corporate carries out any work in relation to a flat pursuant to subsection (1) or (2), it may, subject to section 17 (3), recover the cost of doing so, as a debt —

- (a) from the owner, mortgagee in possession, lessee or occupier referred to in subsection (1) or (2); or
- (b) where the work is carried out pursuant to subsection (1) or (2), from any person who, after the work is carried out, becomes the owner of the flat in relation to which the work was carried out.

(4) Where —

- (a) any part of a building comprised in a flat contains any structural defect which affects or is likely to affect the support or shelter provided by that flat for another flat in that building or the common property; or
- (b) any defect occurs in any pipes, wires, cables or ducts referred to in section 21 (a) (ii) within a flat,

and the defect is not due to any breach of the duty imposed on any person by section 21 (a), the body corporate may, at

its own expense, carry out such work as is necessary to rectify the defect.

(5) Where the body corporate incurs any expenditure or performs any repairs, works or acts that it is required or authorised by or under this Act or by or under 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.

12.—(1) A body corporate shall appoint an address for the service of notices on the body corporate.

Body
corporate's
address.

(2) A body corporate shall forthwith notify the Commissioner and the Board any address appointed by it for the service of notices on the body corporate and of any change of its address.

13.—(1) A body corporate shall, for the purposes of the housing estate concerned, —

Duties of
a body
corporate.

- (a) control, manage and administer the common property for the benefit of the owners of flats in that estate;
- (b) properly maintain and keep in a state of good and serviceable repair —
 - (i) the common property; and
 - (ii) any personal property vested in the body corporate;
- (c) where necessary, renew or replace any fixtures or fittings comprised in the common property and any personal property vested in the body corporate;
- (d) where directed by a special resolution and after having obtained the consent in writing of the Board, install or provide additional facilities or

- make improvements to the common property for the benefit of the owners of flats in the estate;
- (e) effect insurance for the purposes of the housing estate;
 - (f) comply with any notice or order made by any competent, public 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 housing estate;
 - (g) comply with any such notice or order as is referred to in paragraph (f) given or made in respect of any flat if the owner thereof fails to do so within a reasonable time;
 - (h) cause proper records to be kept of notices given to the body corporate under this Act or any other written law or of any orders made by a court and served on the body corporate;
 - (i) cause proper books of account to be kept in respect of moneys received or expended by the body corporate showing the items in respect of which the moneys were received or expended;
 - (j) cause to be prepared, from the books referred to in paragraph (i), a proper statement of accounts of the body corporate in respect of each period commencing on the date of incorporation of the body corporate or the date up to which the last previous statement of accounts was prepared and ending on a date not earlier than one month before each annual general meeting;
 - (k) convene annual general meetings in accordance with this Act;
 - (l) 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 incurred or to be incurred for the purposes referred to in this subsection or for any other expenditure of the body corporate;

- (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 for —
 - (i) the painting or repainting of any part of the common property which is a building or other structure;
 - (ii) the renewal or replacement of any electrical and mechanical installations or fittings existing for common use or purposes;
 - (iii) major repairs and improvements to and maintenance of the common property and boundary walls; and
 - (iv) any other expenditure approved by the body corporate in general meeting;
- (n) upon determining the amounts referred to in paragraph (l), establish a management fund into which shall be paid those amounts, the proceeds of the sale or other disposal of any personal property of the body corporate and any other income received by it and any amount paid to the body corporate by way of discharge of insurance claims;
- (o) upon determining the amounts referred to in paragraph (m), establish a sinking fund into which shall be paid those amounts and any amount paid to the body corporate by way of discharge of insurance claims unless the latter amount has been paid into the management fund;
- (p) from time to time levy, in accordance with section 8, on each person liable therefor a contribution to raise the amounts referred to in paragraphs (l) and (m);
- (q) if the body corporate —
 - (i) becomes liable to pay any moneys that it is unable to pay forthwith; and
 - (ii) is not required, under paragraph (p), to levy contributions to meet the liability, forthwith levy, in accordance with section 8, contributions to raise those moneys; and

(r) implement the decisions of the body corporate.

(2) A body corporate shall not disburse any moneys —

(a) from its management fund, otherwise than for the purpose of meeting its liabilities referred to in subsection (1) (l) or (m);

(b) from its sinking fund, otherwise than for the purpose of meeting its liabilities referred to in subsection (1) (m); and

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

(3) A determination made by a body corporate under subsection (1) (l) or (m) 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.

Power of
entry.

14.—(1) For the purpose of carrying out any work —

(a) pursuant to section 11 (1), (2), (4) or (5);

(b) required to be carried out by a body corporate —

(i) by a notice served on it by a public authority or statutory board; or

(ii) by an order of the Commissioner;

(c) referred to in section 13 (1) (b) or (c); or

(d) necessary to repair or renew any pipes, wires, cables or ducts referred to in section 21 (a) (ii),

the body corporate may, by its agents, employees or contractors, enter upon any flat or part of the estate for the purpose of carrying out the work, in the case of an emergency, at any time, or, in any other case, at any reasonable time on notice given to any occupier of that flat or part of the estate.

(2) A person who obstructs or hinders a body corporate 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 \$5,000.

15. A body corporate may —

- (a) invest any moneys in its management fund in any manner permitted by law for the investment of trust funds or in any prescribed investment;
- (b) invest any moneys in its sinking fund in any prescribed investment;
- (c) borrow moneys and secure the repayment thereof and of any interest in such manner as may be agreed upon by the body corporate and the lender;
- (d) enter into an agreement with the owner or occupier of a flat for the provision of amenities or services by it to the flat or to the owner or occupier thereof;
- (e) purchase, hire or otherwise acquire personal property for use by the owners of flats in the housing estate in connection with their enjoyment of the common property; and
- (f) do all things reasonably necessary for the performance of its duties under this Act and for the enforcement of the by-laws.

Miscellaneous powers of body corporate.

16.—(1) A body corporate shall prepare and maintain a register of flat owners in the housing estate concerned in accordance with this section.

Register of flat owners.

(2) The register shall be kept in the form of a book (either bound or loose-leaf).

(3) The body corporate shall record the following information on the register relating to each flat in the housing estate concerned:

- (a) the name and address of the owner, as shown on the records maintained at the Registry of Titles and the address for the service of notices on the owner as shown in notices given to the body corporate under section 22 (2) or (3) and (10);
- (b) the name of any mortgagee of any flat notice of whose mortgage has been given to the body corporate under section 22 (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;

- (c) the name of the nominee of any company which is the owner of the flat as shown in notices given to the body corporate for the purposes of section 22 (13);
- (d) the discharge, transfer, assignment or sub-mortgage of any mortgage, referred to in paragraph (c), as shown in a notice given to the body corporate under section 22 (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;
- (e) the entry into possession of a flat by a mortgagee as shown in a notice given to the body corporate under section 22 (7);
- (f) the name and address of any lessee of the flat when notice of the granting of his lease has been given to the body corporate under section 22 (8) and the address for the service of notices on the lessor and lessee as shown in the first-mentioned notice;
- (g) the termination or assignment of any lease referred to in paragraph (h) as shown in a notice given to the body corporate under section 22 (9) and, in the case of an assignment, the name of the assignee and the address for the service of notices on him as shown in that notice; and
- (h) the address for the service of notices on any person as shown in a notice given to the body corporate under section 22 (1).

Supply of information and certificates by body corporate.

17.—(1) A body corporate shall, upon application made to it in writing in respect of a flat in the housing estate concerned by the owner or mortgagee of that flat or by a person authorised in writing by the owner or mortgagee and on payment of the prescribed fee, do one or more of the following things which are required of it in the application:

- (a) inform the applicant of the name and address of the chairman, secretary and treasurer of the body corporate and of any person who has been appointed under section 20 as managing agent;
- (b) make available for inspection by the applicant or his agent —
 - (i) the register;

- (ii) the notices and orders referred to in section 13 (1) (*h*);
- (iii) the minutes of general meetings of the body corporate and of the committee;
- (iv) the books of account of the body corporate;
- (v) a copy of the statement of accounts of the body corporate last prepared by the body corporate in accordance with section 13 (1) (*j*); and
- (vi) every current policy of insurance effected by the body corporate and the receipt for the premium last paid in respect of each such policy,

at such time and place as may be agreed upon by the applicant or his agent and the body corporate and, failing agreement, at the office of the body corporate at a time and on a date fixed by the body corporate under subsection (2); or

(c) certify, as at the date of the certificate, in respect of the flat in respect of which the application is made —

- (i) the amount of any regular periodic contributions determined by the body corporate under section 13 (1) (*l*) and (*m*) and the periods in respect of which those contributions are payable;
- (ii) whether there is any amount unpaid of any contribution determined under section 13 (1) (*l*) and (*m*) 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 8 and, if so, the amount thereof and the date on which it was levied;
- (iv) whether there is any amount recoverable from the owner of that flat under section 11 and, if so, the amount thereof; and
- (v) any interest payable under section 8 (6) in respect of any unpaid contribution referred to in that subsection.

(2) Where an applicant and a body corporate fail to reach an agreement referred to in subsection (1) (b) within 7 days after the receipt of the application by the body corporate, the body corporate 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 body corporate for the making of the inspection referred to in that subsection.

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

(4) The body corporate shall permit the Commissioner or any person authorised by him to act on his behalf at all reasonable times full and free access to the records of the body corporate and permit the Commissioner or such person to make copies of or make extracts from any such records.

(5) The Commissioner or any person authorised by him to act on his behalf may require any member of the committee of a body corporate to furnish him with such information which such member possesses or has access to as the Commissioner or any such duly authorised person considers necessary for the purposes of discharging the functions of the Commissioner under the Buildings and Common Property (Maintenance and Management) Act.

(6) A body corporate or a member of its committee who neglects or fails to perform any duty owed by it or him to the Commissioner or his duly authorised officer under subsection (4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

18. The body corporate shall —

- (a) display at a conspicuous place a notice showing the name of the body corporate and the address for service of notices on the body corporate; 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

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Body
corporate
to display
notice, etc.

documents with the name of the body corporate clearly shown thereon.

19.—(1) At least once in each year the accounts of a body corporate 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 body corporate and of the body corporate's affairs.

Accounts of body corporate to be audited.

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

(3) No person shall be appointed as an auditor of a body corporate unless he is an approved company auditor under the Companies Act.

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(4) The auditor or any person authorised by him to act on his behalf shall be entitled at all reasonable times full and free access to all accounting and other records relating directly or indirectly to the financial transactions of the body corporate.

20.—(1) Subject to subsection (2), a body corporate may, by instrument in writing, appoint a managing agent and may, by instrument in writing, delegate to him —

Managing agent.

- (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,

and may in like manner revoke wholly or in part the delegation.

(2) A body corporate 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 body corporate in general meeting.

(3) 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.

(4) 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.

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

(6) 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 body corporate and shall be deemed to have been done or suffered by the body corporate.

(7) Where the instrument of his appointment 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 body corporate and the committee or such of those powers, duties and functions as may be specified in the instrument.

21. An owner or a mortgagee in possession (whether by himself or any other person), lessee or occupier of a flat shall not —

- (a) do anything or permit anything to be done in relation to that flat so that —
 - (i) any support or shelter provided by that flat for another flat or common property is interfered with; or
 - (ii) the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air, heating oil 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 flat is interfered with;
- (b) use or enjoy that flat, or permit that flat to be used or enjoyed, in such a manner or for such a

Duties
of owners
and other
occupiers
of flats.

purpose as to cause a nuisance or hazard to the occupier of any other flat (whether that person is an owner 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 flat (whether that person is an owner or not) or by any other person entitled to the use and enjoyment of the common property.

22.—(1) The owner of a flat or any person who, under this section, has given to the body corporate notice of an address for the service of notices on him shall give notice in writing to the body corporate, as the case may be, of any change of address for the service of notices on him.

Notices to be given by owners and mortgagees.

(2) Upon the execution of an assignment or other assurance of the estate or interest in a flat, the owner of the flat shall forthwith give to the body corporate written notice of the assignment or assurance which shall identify the flat and —

- (a) specify the name of the assignee in full and the address for the service of notices on the assignee and the date upon which the assignment or assurance was so executed; and
- (b) bear written confirmation by the assignee of the accuracy of the information contained in the notice.

(3) Where the owner of a flat fails to comply with a notice given by the body corporate under subsection (11) requiring him to give a notice under subsection (2), the assignee under the assignment may give to the body corporate written notice of the assignment which shall identify the flat and specify the name of the assignee in full and the address for the service of notices on the assignee and the date upon which the assignment was executed.

(4) After the delivery to a mortgagee of an executed mortgage of a flat, the mortgagee may give to the body corporate written notice of the mortgage which shall identify the flat and —

- (a) specify the name of the mortgagee in full and the address for the service of notices on the

mortgagee and the date on which the mortgage was so delivered;

- (b) specify any mortgages of the flat which have priority over the mortgage referred to in the notice; and
- (c) give documentary evidence 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 flat or a discharge of a sub-mortgage of a mortgage of a flat, the mortgagor may give to the body corporate written notice of the discharge which shall identify the flat and the mortgage that has been discharged and —

- (a) specify the date on which the discharge was so delivered; and
- (b) give documentary evidence of the discharge of the mortgage.

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

- (a) specify the name of the transferee or sub-mortgagee in full and the address for the service of notices on the transferee or sub-mortgagee and the date on which the transfer or sub-mortgage was so delivered; and
- (b) give documentary evidence of the information contained in the notice.

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

(8) After granting a lease for a term exceeding 3 years of a flat, the lessor shall give to the body corporate written notice of the granting of the lease which shall identify the flat, specify the name of the lessee in full and the address for the service of notices on him and the address for the service of notices on the lessor.

(9) After the termination or assignment of any lease referred to in subsection (8), the lessor shall give to the body

corporate written notice of the termination or assignment which shall identify the flat and the lease that has been terminated or assigned and —

- (a) specify the date of the termination or assignment; and
- (b) in the case of an assignment, specify the name of the assignee in full and the address for the service of notices on him.

(10) After a person becomes entitled, otherwise than as an assignee, to be registered under the Land Titles Act as the owner of a flat, he shall give to the body corporate written notice, in the form of a statutory declaration, which shall identify the flat and specify —

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- (a) by what right he became entitled to the flat; and
- (b) the name of that person, in full, the address for the service of notices on him and the date upon which he became entitled to the interest in the flat.

(11) Where a body corporate believes that a person is required, under this section, to give a notice to it and the body corporate has not received that notice, the body corporate 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.

(12) Where a body corporate has served a notice under subsection (11) on a person whom it believes to be a person entitled to give a notice to the body corporate 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 meeting of the body corporate until he has complied with the first-mentioned notice.

(13) A vote cast at a meeting of a body corporate by or on behalf of an owner which is a company shall have no effect unless the body corporate has received a written notice specifying the nominee of that owner.

(14) A notice referred to in subsection (13) may be included in any other notice that the corporate flat owner to

which it relates or any other person is entitled under this section to give to the body corporate.

Committee of
a body
corporate.

23.—(1) Every body corporate shall have a management committee consisting of not less than 3 and not more than 15 members.

(2) The committee shall be elected at a general meeting of the body corporate or an extraordinary general meeting convened for the purpose.

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

(a) an individual who is the owner of a flat in the estate concerned; or

(b) the nominee of such an owner which is a company.

(4) No person shall be appointed as a nominee of a company which is the owner of a flat unless he is a director, officer or employee of the company.

(5) Before a committee is elected at the first annual general meeting of a body corporate, the Board may exercise and perform all the powers, duties and functions conferred or imposed on the body corporate by this Act or the by-laws.

(6) The Third Schedule shall have effect with respect to the proceedings of the committee.

Vacation of
office of
member of
committee.

24.—(1) A person who is a member of a committee shall vacate his office as such a member —

(a) if, where he was an owner of a flat in the estate concerned at the time of his appointment or election, he ceases to be an owner;

(b) if, where he was a nominee of a company at the time of his appointment or election, that company —

(i) ceases to be such an owner; or

(ii) notifies the body corporate, in writing, that his office, as a member of the committee, is vacated;

(c) if, where he was a nominee of a company at the time of his appointment or election, he ceases to be a director, officer or employee of that company;

- (d) upon the receipt by the body corporate from him of notice in writing of his resignation as a member of the committee;
- (e) upon the election of the members of the committee at the annual general meeting next following his election as a member of the committee; or
- (f) if the body corporate, pursuant to a resolution, determines that his office as a member of the committee is vacated.

(2) Upon the occurrence of a vacancy in the office of a member of a committee, otherwise than by reason of subsection (1) (e), the committee may appoint another owner as a member of the committee to fill the vacancy, and any person so appointed shall hold office for the balance of his predecessor's term of office.

25.—(1) Where the chairman, secretary and treasurer of the committee have not been appointed by the body corporate in a general meeting, the members of the committee shall, at the first meeting of the committee after they assume office as such members, appoint the chairman, secretary and treasurer of the committee.

Chairman,
secretary and
treasurer of
committee.
6/86.

(2) A person —

- (a) shall not be appointed to an office referred to in subsection (1) unless he is a member of the committee; 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 committee;
- (b) the receipt by the body corporate from him of a notice in writing of his resignation from that office; or
- (c) another person is appointed by the committee or by the body corporate in a 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 body corporate in a general meeting or by the committee 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 committee is required to resign or vacate his office —

- (a) if, where he was the owner of a flat at the time of his appointment or election, he ceases to own the flat;
- (b) if, where he was the nominee of a company, which is the owner of a flat, the company ceases to own the flat.

(6) A person shall not exercise or perform any of the powers, duties or functions of the body corporate or the treasurer of the body corporate, 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 body corporate, unless he is —

- (a) a member of the body corporate or of the committee and is the treasurer of the body corporate or of the committee;
- (b) a managing agent who is empowered to exercise or perform that power, authority, duty or function; or
- (c) a person with whom the treasurer of the body corporate is required by an order of the committee to exercise or perform jointly that power, duty or function, and who is enabling the treasurer to comply with the order.

(7) The treasurer of a body corporate 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 committee of the body corporate, to another member of the committee so approved, subject to such limitations as to time or otherwise as are so approved and, while a delegate is acting in accordance with the terms of a delegation under this subsection, he shall be deemed to be the treasurer of the body corporate.

(8) The committee of a body corporate may, by a notice in writing served on the treasurer of the body corporate,

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 committee issued pursuant to subsection (8) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

26.—(1) The members of the committee of a body corporate may be paid such fees as the body corporate may in general meeting determine except that the amount of such fees shall not exceed such amount as may be prescribed by the Minister. Committee members entitled to payment of fees.

(2) A body corporate may fix different amounts of fees payable to different members of a committee.

27.—(1) Subject to this Act, the decision of a committee on any matter, other than a restricted matter, shall be the decision of the body corporate. Committee's decisions to be decisions of body corporate.

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

(3) A committee 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 committee by persons who altogether own not less than 10% of the flats in the housing estate concerned that the making of the decision is opposed by those persons, and any decision, if made by the committee, shall have no force or effect. 6/86.

(4) For the purposes of subsection (1), "restricted matter", in relation to a committee, 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 body corporate pursuant to a special resolution or in general meeting of the body corporate; and

(b) any matter referred to in section 28 and specified in a resolution of that body corporate passed for the purposes of that section.

Restrictions imposed on committee by body corporate.

28. The body corporate may in general meeting decide what matters or class of matters, if any, shall be determined only by the body corporate in general meeting.

Records, etc., of body corporate.

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

- (a) any records, books of account or keys belonging to a body corporate;
- (b) the register kept by a body corporate; or
- (c) any other property of a body corporate,

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

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

Minister may appoint Board or other person to exercise or perform certain powers, etc.

30.—(1) Where the Minister is satisfied that a body corporate is not carrying out its duties or functions satisfactorily and that it would be in the interests of all the owners of the flats in the housing estate concerned or the creditors of the body corporate to appoint the Board or any other person to exercise and perform all or some of the powers, duties and functions of the body corporate, the Minister may, by order published in the *Gazette*, appoint the Board or such other person as may be nominated by the Minister as a managing agent of the body corporate to perform such powers, duties or functions of the body corporate as may be specified in the order and any person so appointed by the Minister shall be deemed to have been appointed as a managing agent by the body corporate pursuant to section 20.

(2) The Minister shall not make an order under subsection (1) unless he has given not less than 30 days' notice in writing to the committee of the body corporate concerned of his intention to appoint the Board or any other person to exercise all or such of the powers, duties and functions of the body corporate as may be specified by the Minister in the notice and the committee may make representations (if any) to the Minister within the period of 30 days after the date of the service of the notice.

(3) Where the Minister makes an order under subsection (1), he may also order that the managing agent shall have and may exercise and perform —

- (a) all the powers, duties and functions of the body corporate for the housing estate to which the order relates or of the chairman, secretary or treasurer of that body corporate or the committee of that body corporate;
- (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.

(4) Where the Minister has made an order under subsection (1), no person other than the managing agent may, while he holds office as such, exercise or perform any power, authority, duty or function which the managing agent is authorised to exercise or perform by that order or an order under subsection (3).

(5) During the period when a managing agent is appointed by the Minister to exercise and perform all or some of the powers, duties and functions of a body corporate, the managing agent shall have the power to vary or increase the contributions referred to in section 13 (1) (l), (m) or (q) and any amount so varied or increased by the managing agent shall be deemed to be the amount determined by the body corporate in general meeting in accordance with section 13 (1) (l), (m) or (q).

(6) The managing agent shall be entitled to the payment of such fee as may be determined by the Minister for performing any service under this section.

31.—(1) The body corporate shall insure the buildings in the housing estate concerned and keep the buildings insured under a damage policy.

Insurance of a building in a housing estate.

(2) For the purposes of this section —

“building” does not include the fixtures of owners of flats in the building;

“damage policy”, in relation to a building in a housing estate, means a contract of insurance providing, in the event of the building being destroyed or

damaged by fire, lightning, explosion or any other occurrence specified in the policy —

(a) for —

(i) the rebuilding of the 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 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;

“fixture”, in relation to a flat, means any structure or fixture made after the issue of the temporary occupation licence by the competent authority for the flat, being a structure or fixture which is exclusively for the use and enjoyment of a flat within or partly within the building but not being a floor, wall or ceiling.

(3) A damage policy may provide that, instead of the work and the payments specified in the definition of “damage policy” in subsection (2) 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 and not exceeding an amount calculated in the prescribed manner.

32.—(1) In addition to insurance effected by a body corporate pursuant to section 31 the body corporate shall effect insurance —

Further insurance by body corporate.

(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;

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(b) in respect of damage to property, death or bodily injury occurring upon the common property; and

(c) against the possibility of the owners of flats in a building becoming jointly liable by reason of a claim arising in respect of any other occurrence against which the body corporate decides to insure.

(2) The body corporate may insure any property which it is not required to insure pursuant to this Act and in which it has an insurable interest.

33.—(1) Nothing in this Act shall limit or affect any right of the owner of a flat to effect insurance.

Insurance by owner of a flat.

(2) Insurance effected by the owner of a flat shall not affect, and shall not be taken into consideration in determining, the amount payable to a body corporate under a contract of insurance entered into between it and an insurer pursuant to this Act, notwithstanding anything in that contract of insurance.

(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 contract of insurance except another contract of insurance which —

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

(b) relates to the same mortgage debt,

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

34. Where a body corporate receives payment of moneys from an insurer in respect of destruction of or damage to a building, those moneys shall forthwith be applied by the body corporate in rebuilding, replacing, repairing or restoring the building, as the case may require.

Rebuilding.

Insurable
interest
of body
corporate.

35. A body corporate shall be deemed to have an insurable interest in the subject-matter of any contract of insurance entered into by it pursuant to this Act.

Other rights
and remedies
not affected
by this Act.

36. Subject to sections 43 and 44, nothing in this Act shall affect or take away any rights or remedies that the owner or mortgagee of a flat, or a body corporate, or the Board as the lessor of the flats in a housing estate, may have in relation to any flat or the common property apart from this Act.

Service of
documents
on body
corporate,
owners and
others.

37.—(1) A summons or other legal process may be served on a body corporate by leaving it with the chairman or secretary of the body corporate or of the committee or with any member of the committee.

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

(a) by leaving it with any person referred to in subsection (1) or in the receptacle provided by the body corporate in accordance with section 18; or

(b) by posting it, by prepaid mail, to the body corporate at its address registered with the Commissioner.

(3) Subject to this Act, a notice or other document required or authorised by this Act or the by-laws to be served by the Board, a body corporate, a committee or the secretary of a committee on an owner, lessee, mortgagee or occupier of a flat may be served —

(a) by leaving it with some person apparently of or above the age of 21 years —

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

(ii) where an address for the service of notices on the person to be served is recorded in the register maintained under section 16, at the address so recorded;

(b) by posting it, by prepaid registered mail, to the person to be served, where an address for the service of notices on that person is recorded in the register maintained under section 16, at the address so recorded; or

(c) in the case of an owner, in any manner authorised by the by-laws for the service of notices on owners.

(4) Section 55 (3) of the Land Titles Act shall apply to the service of documents on a body corporate and the owner of a flat. Cap. 157.

38.—(1) If a body corporate commits a breach of any of the provisions of this Part or makes default in complying with any requirement of, or duty imposed on it by, any of the provisions of this Part, the body corporate and every member of its committee, or every owner, who is knowingly a party to the breach or default shall be guilty of an offence and shall be liable on conviction to a penalty expressly prescribed for such breach or default, or, if no penalty is so prescribed, to a fine not exceeding \$2,000. Breaches of provisions of this Part. 6/86.

(2) Where a requirement or duty is imposed on the body corporate or any person by this Part, any person for whose benefit, or for the benefit of whose flat that requirement or duty is imposed on the body corporate or first-mentioned person may apply to the court for an order compelling the body corporate or that person 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.

39. Where this Act provides for any sum to be recovered from the owner of a flat or any other person, the sum may be recovered by an action for a debt in any court of competent jurisdiction. Legal proceedings.

40. Any dispute or difference between the Board and a body corporate as to the rights, duties or obligations of either party in relation to the common property of a housing estate shall be referred to the determination of a single arbitrator to be appointed by the Minister in accordance with the provisions of the Arbitration Act or any statutory modification or re-enactment thereof for the time being in force. Disputes to be referred to arbitration. Cap. 10.

41.—(1) The Minister may make such rules as he considers necessary or expedient for giving full effect to the provisions and purposes of this Act and for the due administration thereof. Minister may make rules for purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make rules not inconsistent with this Act for or with respect to —

- (a) the fees to be paid to a body corporate for any thing to be done under this Act;
- (b) the fees to be paid to members of the committee of a body corporate;
- (c) the investments in which moneys in the sinking fund of a body corporate may be invested;
- (d) protecting the moneys in the sinking fund of a body corporate against possible misappropriation;
- (e) the proceedings of the committee of a body corporate;
- (f) the holding of meetings of the body corporate; and
- (g) any matter which by this Act is required or permitted to be prescribed.

Minister
may amend
Schedules.
6/86.

42. The Minister may by notification in the *Gazette* delete, amend or vary the First, Second, Third and Fourth Schedules or add new provisions to those Schedules.

PART III

MISCELLANEOUS PROVISIONS

Board's
obligations
under
existing
leases of
flats in
housing
estates.

43.—(1) Upon the establishment of a body corporate under section 3 (1) to control, maintain and administer a housing estate —

- (a) the Board as the lessor of the flats in that housing estate shall, notwithstanding the terms, covenants and conditions contained in the leases of the flats erected in the housing estate to the contrary, cease to be liable for the maintenance and administration of the housing estate including the provision of cleaning services and the maintenance of mechanical equipment and installations in the housing estate; and
- (b) subject to the modifications made by paragraph (a) and by section 45, the terms, covenants and conditions in such leases shall continue in force and the Board as the lessor of the flats in that estate shall be entitled to enforce the performance of the terms, covenants and conditions in the leases as if this Act has not been enacted.

(2) Notwithstanding the establishment of a body corporate for a housing estate, a lessee of a flat in that estate shall be entitled to require the Board to enforce the performance of any term, covenant and condition entered into by the purchasers or lessees of other flats in the estate with the Board, on condition that the lessee shall indemnify the Board against all costs and expenses in respect of such enforcement and provide such security in respect of costs and expenses as the Board may reasonably require.

44. The Board shall not be liable upon any action, claim or proceedings arising out of any —

Board's liability for repairs, etc.

- (a) repairs, maintenance or other works carried out by a body corporate or its agents to the common property of a housing estate; and
- (b) contributions made by the owner of a flat in a housing estate to a body corporate to meet the costs of such repairs, maintenance or other works.

45.—(1) The Board may lease the whole or part of any land on which a housing estate is erected to the lessees of all the flats in the housing estate as tenants-in-common in equal shares for a nominal sum of one dollar for a term of years which runs concurrently with the unexpired term of the leases issued for the flats in the housing estate.

Board may lease land to lessees of all flats in a housing estate. 6/86.

(2) A lease executed by the Board pursuant to subsection (1) shall be in such form as the Registrar may require and contain such terms and conditions which are, insofar as it is practical, identical to the terms and conditions of the leases for the flats in the housing estate.

(3) The lessees of all the flats in a housing estate shall be deemed to have accepted a lease referred to in subsection (1) when it has been executed by the Board.

(4) Where the land on which a housing estate is erected or any part thereof is leased to the lessees of all the flats in the housing estate pursuant to subsection (1), no share of the estate or interest in the land shall be disposed of except as appurtenant to the flat of the registered lessee who is the lessee of an undivided share in the land, and any assignment of a leasehold estate or an interest in the flat shall operate to pass the assignor's registered estate or interest in the undivided share in the land to his assignee.

[44A

Owners of flats to pay maintenance contributions to body corporate. 6/86. Cap. 232.

46.—(1) Commencing from the date a body corporate is established pursuant to an order made by the Minister under section 3 (1), the owners of the flats in the housing estate concerned —

(a) which are permitted under the Planning Act to be used solely for residential purposes shall pay to the body corporate the sum of \$75 per month; and

(b) which are permitted under the Planning Act to be used for non-residential purposes shall pay to the body corporate the sum of \$150 per month, as their contributions to the management fund of the body corporate and the contributions shall be payable in advance on the first day of each month.

(2) The amount referred to in subsection (1) shall be deemed to be the amount of contributions to the management fund of the body corporate determined by the body corporate pursuant to section 13 (1) (l). [45]

Savings.

47.—(1) Nothing in this Act shall be construed to affect any obligation or liability accrued or incurred under a lease for a flat in a housing estate at any time prior to the establishment of a body corporate pursuant to section 3 for that estate.

(2) Any cause of action which has arisen as between any owner of a flat in a housing estate and the Board prior to the establishment of the body corporate under this Act, may be continued and enforced as if this Act has not been enacted. [46]

FIRST SCHEDULE
DESCRIPTION OF LAND

Section 2 (1) and (2).

S 52/86.

<i>Reference to Land-Register</i>		<i>Town Sub-division</i>	<i>Mukim</i>	<i>Lot</i>	
<i>Volume</i>	<i>Folio</i>				
184	59	28	27	4458	
198	54		17	4490	
184	57		25	3975	
218	33		}	2	2195
225	1			2	2196
225	6				
215	114		15	1911	
205	56			562	
200	152		17	4487	
235	3		4	3980	
238	115		4	4003	Together with the buildings erected thereon
180	141 to 145 (both inclusive)		}	790 to 794 (both inclusive)	
176	42 to 47 (both inclusive)			633 to 638 (both inclusive)	
176	29			620	
176	49 to 52 (both inclusive)	29		640 to 643 (both inclusive)	
176	20	611			
176	23 to 26 (both inclusive)	614 to 617 (both inclusive)			
176	33 to 36 (both inclusive)	624 to 627 (both inclusive)			

FIRST SCHEDULE — *continued*

<i>Reference to Land-Register</i>		<i>Town Sub- division</i>	<i>Mukim</i>	<i>Lot</i>
<i>Volume</i>	<i>Folio</i>			
176	39 to 40 (both inclusive)			630 to 631 (both inclusive)
180	153 to 159 (both inclusive)			802 to 808 (both inclusive)
180	137 to 139 (both inclusive)			786 to 788 (both inclusive)
180	131 to 135 (both inclusive)			780 to 784 (both inclusive)
180	120 to 124 (both inclusive)			769 to 773 (both inclusive)
180	116 to 117 (both inclusive)		29	765 to 766 (both inclusive)
180	163 to 164 (both inclusive)			812 to 813 (both inclusive)
180	166 to 170 (both inclusive)			815 to 819 (both inclusive)
180	173 to 182 (both inclusive)			822 to 831 (both inclusive)
180	185 to 189 (both inclusive)			834 to 838 (both inclusive)
180	84			733

Together
with the
buildings
erected
thereon

FIRST SCHEDULE — *continued*

Reference to Land-Register		Town Sub- division	Mukim	Lot	
Volume	Folio				
180	81			730	
180	99 to 100 (both inclusive)		29	748 to 749 (both inclusive)	
180	95 to 97 (both inclusive)			744 to 746 (both inclusive)	
180	90 to 93 (both inclusive)			739 to 742 (both inclusive)	
180	75 to 78 (both inclusive)			724 to 727 (both inclusive)	
180	104 to 107 (both inclusive)			753 to 756 (both inclusive)	
180	110 to 113 (both inclusive)			759 to 762 (both inclusive)	Together with the buildings erected thereon
180	126 to 129 (both inclusive)			775 to 778 (both inclusive)	
180	52			701	
180	57			706	
180	59			708	
180	64			713	
180	60			709	
180	65			714	
180	62			711	
180	67			716	
180	53			702	
180	54			703	
180	55			704	
180	56			705	
180	63			712	
180	88			737	
180	66			715	
180	61			710	

SECOND SCHEDULE

Section 7 (1).

BY-LAWS

Chairman,
secretary and
treasurer
of body
corporate.

1. The chairman, secretary and treasurer of the committee shall also be respectively the chairman, secretary and treasurer of the body corporate.

Committee's
power to
employ
agents and
employees.

2. A committee may employ for and on behalf of the body corporate such agents and employees as it thinks fit in connection with the exercise and performance of the powers, duties and functions of the body corporate.

Notice-
board.

3. A committee shall cause a notice-board to be affixed to some part of the common property.

Powers and
duties of
secretary
of body
corporate.

4.—(1) The powers and duties of a secretary of a body corporate include —

- (a) the preparation and distribution of minutes of meetings of the body corporate;
- (b) the giving on behalf of the body corporate of the notices required to be given under this Act;
- (c) the maintenance of the register of flat-owners;
- (d) the supply of information and certificates on behalf of the body corporate in accordance with section 17;
- (e) the answering of communications addressed to the body corporate; and
- (f) the calling of nominations of candidates for election as members of the committee.

(2) The secretary shall within 28 days of a general meeting convened by the body corporate file with the Commissioner certified true copies of —

- (a) the audited accounts of the body corporate which have been presented to the general meeting, if any;
- (b) the resolutions passed at the general meeting; and
- (c) the minutes of the general meeting.

Powers and
duties of
treasurer
of body
corporate.

5. The powers and duties of a treasurer of a body corporate include —

- (a) the notifying of owners of any contributions levied pursuant to this Act;
- (b) the receipt, acknowledgment and banking of and the accounting for any money paid to the body corporate; and
- (c) the keeping of the books of account referred to in section 13 (1) (i) and the preparation of the statement of accounts of the body corporate.

Noise.

6. An owner or occupier of a flat shall not create any noise likely to interfere with the peaceful enjoyment of the owner or occupier of another flat or of any person lawfully using the common property.

SECOND SCHEDULE — *continued*

7. An owner or occupier of a flat shall not park or leave any motor vehicle or other vehicle upon the common property except with the approval of the body corporate. Vehicles.
8. An owner or occupier of a flat shall not obstruct the lawful use of the common property by any person. Obstruction of common property.
9. An owner or occupier of a flat shall not — Damage to lawns, etc., on common property.
- (a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated upon the common property; or
- (b) use for his own purposes as a garden any portion of the common property.
10. An owner or occupier of a flat 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 obtaining the approval in writing of the body corporate, but this by-law shall not prevent an owner of a flat or person authorised by him from installing — Damage to common property.
- (a) any locking or other safety device for the protection of his flat against intruders; or
- (b) any screen or other device to prevent entry of animals or insects upon his flat.
11. An owner or occupier of a flat shall not carry out any alterations or additions to any external walls or windows of his flat without having obtained the prior written consent of the body corporate and the Board. Alterations and additions to external walls, etc.
12. An owner or occupier of a flat shall not carry out any alterations or additions to any balcony of his flat without having obtained the prior written consent of the body corporate and the Board. Balconies.
13. An owner or occupier of a flat 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 owner or occupier of another flat or to any person lawfully using the common property. Behaviour of owners and occupiers.
14. An owner or occupier of a flat shall take all reasonable steps to ensure that any child of whom he has control when playing upon the common property shall not — Children playing on common property in building.
- (a) cause any damage to the common property; and
- (b) create any noise likely to interfere with the peaceful enjoyment of the owner or occupier of another flat.
15. An owner or occupier of a flat 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 owner or occupier of another flat or of any person lawfully using the common property. Behaviour of invitees.

SECOND SCHEDULE — *continued*

Depositing rubbish, etc., on common property. 16. An owner or occupier of a flat 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 owner or occupier of another flat or of any person lawfully using the common property.

Floor coverings. 17. An owner or occupier of a flat 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 owner or occupier of another flat.

Storage of inflammable liquids, etc. 18.—(1) An owner or occupier of a flat shall not, except with the approval in writing of the body corporate and the Board, use or store upon his flat or upon the common property any flammable chemical, liquid, or gas or other inflammable 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.

Cap. 29. (2) This by-law shall not apply to any flat where the owner or occupier thereof has obtained a licence issued under section 14 of the Building Control Act authorising the use of the flat for a trade or purpose specified in that section.

Refuse disposal. 19.—(1) An owner or occupier of a flat 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) An owner or occupier of a flat which is not provided with any chute for the disposal of refuse —

- (a) shall maintain within his flat, or on such part of the common property as may be authorised by the body corporate, in a clean and dry condition and adequately covered a receptacle for the disposal of refuse;
- (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 body corporate;
- (d) when the refuse has been collected shall promptly return the receptacle to his flat or other area referred to in paragraph (a);

SECOND SCHEDULE — *continued*

- (e) shall not place any thing in the receptacle of the owner or occupier of any other flat except with the permission of that owner or occupier; and
- (f) shall promptly remove any thing 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.

20. An owner or occupier of a flat shall not keep any animal upon his flat or the common property which may cause annoyance to the owners or occupiers of other flats.

Keeping of animals.

21. An owner or occupier of a flat shall keep in good tenable repair his flat including all sanitary fittings, water, gas, electrical and air-conditioning pipes and apparatus thereof so as not to cause annoyance to the owners or occupiers of other flats.

Duty to repair flat.

22. An owner or occupier of a flat shall not use his flat for any purpose (illegal or otherwise) which may be injurious to the reputation of the estate.

Flat not to be used for purpose injurious to the reputation of building.

THIRD SCHEDULE

Section 23 (6).

PROCEEDINGS OF MANAGEMENT COMMITTEES OF BODIES CORPORATE

1. The chairman shall preside at all meetings of the committee at which he is present and, if he is absent from any such meeting, the members of the committee present at that meeting shall appoint one of their number to preside at that meeting during the absence of the chairman.

Chairman to preside at meetings.

2.—(1) At any meeting of a committee a quorum shall consist of the majority of the members of the committee.

Meetings of committees.

(2) Subject to this Act, the decision on any matter of the majority of the members voting on that matter shall be the decision of the committee at any meeting at which a quorum is present.

(3) A committee shall cause a record of its decisions, of any notices given to its secretary under section 22 and full and accurate minutes of its meetings, to be kept.

3.—(1) The committee shall keep minutes of its proceedings and shall cause minutes of general meetings to be kept.

Keeping of records.

(2) The committee 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

THIRD SCHEDULE — *continued*

(b) on the application of an owner or a mortgagee of a flat (or any person authorised in writing by him) make the books of account available for inspection at all reasonable times.

Notice of committee meetings.

4. For not less than 24 hours ending immediately before a committee 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 body corporate.

Owner's attendance at committee meetings.

5. An owner of a flat shall be entitled to attend a meeting of the committee but may not address the meeting except with the permission of the committee.

Acts, etc., of committee valid notwithstanding vacancy, etc.

6. Any act or proceeding of a committee done in good faith shall, notwithstanding that at the time when the act or proceeding was done, taken or commenced there was —

(a) a vacancy in the office of a member of the committee; 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 committee were fully and properly constituted.

FOURTH SCHEDULE

Section 6 (4).

GENERAL MEETINGS OF A BODY CORPORATE

General meetings of bodies corporate.

1.—(1) An annual general meeting of a body corporate shall be held in each year on a date not more than 15 months after the holding of the last preceding annual general meeting.

(2) A general meeting of a body corporate (referred to in this paragraph as an extraordinary general meeting), which is not an annual general meeting, shall be held whenever it is convened by the committee.

(3) Without limiting the power of a committee under sub-paragraph (2), a committee shall, as soon as practicable after the receipt by the secretary of the committee of a requisition for an extraordinary general meeting signed by not less than 30 owners of flats in the estate concerned, convene an extraordinary general meeting of the body corporate.

(4) Notice of a general meeting of a body corporate shall be served on each flat and the first mortgagee of a flat, as ascertained from the register of flat-owners, at least 7 days before the meeting.

(5) Every such notice for an annual general meeting shall —

(a) be accompanied by a copy of the statement of accounts of the body corporate last prepared by the body corporate in accordance with section 13 (1) (i); and

(b) include a motion for the adoption of those accounts.

FOURTH SCHEDULE — *continued*

(6) 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 committee —
 - (i) in the case of an owner of a flat subject to a first mortgage shown on the register, only if the mortgagee fails or neglects to exercise the voting power conferred upon him by this Schedule; and
 - (ii) either in person or by proxy at the meeting.

(7) No motion shall be submitted at a general meeting unless notice of the resolution has been given in accordance with this paragraph.

2.—(1) A person shall be entitled to vote in respect of any flat on any proposal submitted at a general meeting of a body corporate or on any election of members of the committee only if he is the owner of that flat as shown on the register.

Persons entitled to vote at general meetings.

(2) Notwithstanding any other provision of this paragraph, a first mortgagee, as shown on the register, of a flat shall be entitled to vote in respect of that flat on any proposal submitted at a general meeting of a body corporate or on any election of members of the committee and, if he votes on that proposal, any vote cast by the owner of that flat on the proposal shall not be counted.

(3) The vote of co-owners or co-mortgagees may be cast by any of them in person or by a proxy and if both co-owners or co-mortgagees are present at a meeting of the body corporate the vote of the senior who casts a vote, whether in person or by 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 register.

(4) Only the owner entitled to the first of two or more successive estates in a flat shall, subject to this Schedule, be entitled to cast a vote on any proposal submitted at a general meeting of a body corporate or on any election of members of the committee.

(5) An owner who is the trustee of a flat shall, subject to this Schedule, be entitled to cast a vote on any proposal submitted at a general meeting of a body corporate or on any election of members of the committee and the persons beneficially interested in the trust shall not be entitled to cast such a vote.

(6) A person who, but for this sub-paragraph, would be entitled to vote on any motion submitted at a general meeting of a body corporate

FOURTH SCHEDULE — *continued*

or on any election of members of the committee shall not be entitled so to vote unless all contributions levied and payable in respect of the flat in respect of which he is entitled to vote, and any other moneys recoverable under this Act by the body corporate from him, at the date of the notice given under paragraph 1 (4) have been duly paid before the commencement of the meeting.

(7) The voting rights conferred by this paragraph shall be subject to section 22(12) and (13).

Quorum.

3.—(1) No business shall be transacted at any general meeting of a body corporate unless a quorum of members is present.

(2) For the purposes of this paragraph, the number of owners present at the meeting either in person or by proxy who own not less than 10% of all the flats in the estate shall form a quorum. If within half an hour of the time appointed for holding a general meeting no quorum of owners is present, the general meeting may be held as if a quorum is present if there are two or more flat-owners present in person.

Motions out of order.

4. At a general meeting of a body corporate, 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 body corporate or on any election of members of the committee 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 body corporate shall preside at any general meeting of the body corporate 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 body corporate.

Chairman to announce names of persons entitled to vote.

7. The chairman at any general meeting of the body corporate shall, before submitting a motion to the meeting or the holding of the election of members of the committee, announce the names of the persons who are entitled to vote on that motion or at that election.

Counting of votes on election of committee.

8. Each person entitled to vote on an election of members of the committee shall have one vote in respect of each flat in respect of which he is entitled to vote.

Counting of votes on motion.

9. Subject to this paragraph, a motion submitted at a general meeting of a body corporate 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 flat in respect of which he is entitled to vote.

FOURTH SCHEDULE — *continued*

10. The declaration of the chairman of the result of the voting on any proposal submitted at a general meeting of the body corporate, otherwise than on a poll, shall be conclusive without proof of the votes recorded for or against the proposal. Chairman's declaration of vote.
11. A general meeting of a body corporate shall, subject to paragraph 3, be validly held notwithstanding that the only person present at the meeting is the chairman of the body corporate. General meetings valid if attended only by chairman.
- 12.—(1) Any person entitled to vote at a general meeting of a body corporate may by notice in writing served on the secretary of the committee require inclusion in the agenda of the next general meeting of the body corporate (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. Requisition for motions to be included on agenda for general meeting.
- (2) For the purposes of sub-paragraph (1), an owner who, but for the existence of a mortgage over his flat, would be entitled to vote at a general meeting of the body corporate shall be deemed to be entitled to vote at that meeting.
13. A special resolution of a body corporate shall not be amended or revoked except by a subsequent special resolution, as the case may be. Amendment or revocation of special resolution.
14. A company which is the owner of a flat may by resolution of its directors or other governing body authorise such person as it thinks fit to act as its representative either at a particular meeting or at all meetings of the body corporate 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. Company may authorise representative to attend meetings.
15. 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. A proxy need not be an owner of a flat. The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll. Instrument of proxy.
16. Where it is desired to afford owners 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: Form of proxy for voting for or against a resolution.
- I/We, _____, of _____, being a member/members of the above-named body corporate, 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 body corporate, to be held on the _____ day of _____ 19____, and at any adjournment thereof.
- Signed this _____ day of _____ 19____.
- This form is to be used *in favour of/against the resolution.
- *Strike out whichever is not applicable.
- [Unless otherwise instructed, the proxy may vote as he thinks fit.]

FOURTH SCHEDULE — *continued*

Proxy to be deposited at registered address of body corporate.

17. 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 body corporate, 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.

18. 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 body corporate at the registered office before the commencement of the meeting or adjourned meeting at which the instrument is used.