

THE STATUTES OF THE REPUBLIC OF SINGAPORE

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

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Act

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Amended by

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Land Titles (Strata) Act

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

[15th May 1968]

PART I

PRELIMINARY

1. This Act may be cited as the Land Titles (Strata) Act. Short title.
2. Except as hereinafter provided, this Act applies only to registered land. Application.
3. In this Act, unless the context otherwise requires — Interpretation. 23/82.
 - “accessory lot” means a lot intended for separate proprietorship and use with any other specified lot or lots for any purpose;
 - “assurance” includes any transfer, lease, charge, mortgage, transmission application or any other application for vesting made under this Act;
 - “building” includes any building partially completed or, where applicable, any building to be erected within a stratum shown or specified in any strata subdivision plan submitted to the relevant authority for approval;
 - “Commissioner” means the Commissioner of Buildings appointed under section 3 of the Buildings and Common Property (Maintenance and Management) Act; Cap. 30.
 - “common property” —
 - (a) in relation to subdivided buildings in an approved plan bearing the title of “condominium” and issued by the relevant authority, means so much of the land for the time being not comprised in any lot

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

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

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

“competent authority” means the competent authority appointed under section 3 of the Planning Act; Cap. 232.

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

“land” includes land of any tenure, any building or parts thereof, so much of the air-space above the surface as may be reasonably used or enjoyed by any proprietor, and all substances under the surface, whether or not held apart from the surface, and any estate or interest therein;

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

“management corporation”, in relation to any one or more subdivided buildings shown on a strata title plan, means the management corporation established for those buildings;

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

“proprietor” means the proprietor of the land immediately before the subdivision thereof;

“provisional lot” means a lot within which one or more buildings or parts of any building are to be erected or completed and is shown as a provisional lot in a strata title plan and in any other record maintained by the Registrar;

“registered land” means land which has been brought under the provisions of the Land Titles Act, by Cap. 157.

being included in a folio of the land-register, and held by the registered proprietor for an estate in fee simple or perpetuity, or for a leasehold estate comprised in a Crown or State lease or any other lease having an unexpired term of at least 21 years as at the date of the lodgment of a plan as a strata title plan under this Act;

Cap. 157.

“registered lease” means a lease registered under the provisions of the Land Titles Act;

“registered lessee”, in relation to any subdivided building not comprised in a strata title plan, means the registered proprietor of a leasehold estate in registered land comprising a flat which is shown in a plan annexed to a registered lease, having an unexpired term of not less than 21 years as at the date of the lodgment of an application by that registered proprietor for a subsidiary certificate of title;

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

Cap. 232.

“relevant authority” means any one or more Government or statutory authorities empowered to approve plans for development or subdivision of any land or plans relating to the construction of any building under the Planning Act or under any other written law and includes the competent authority;

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

“special resolution” means a resolution passed at a meeting of the management corporation, of which at least 14 days’ notice specifying the proposed special resolution has been given, by those persons entitled to exercise the powers of voting conferred by or under this Act either personally or by proxy who are together entitled to, or represent those entitled to, not less than three-quarters of the share units and who together constitute or represent those constituting not less than three-quarters of the membership;

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

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

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

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

(c) contains the particulars prescribed by section 10,

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

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

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

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

“subsidiary certificate of title” means the subsidiary certificate of title issued under section 47;

“subsidiary proprietor” means the registered proprietor for the time being of a lot having —

(a) a freehold estate in the lot; or

(b) a leasehold estate in the lot where such leasehold estate has been created by a lease registered under this Act and having an unexpired term of not less than 21 years computed as from the date of lodgment of the lease with the Registrar (whether such lease has been created before, on or after 15th April 1976);

“subsidiary strata certificate of title” means the subsidiary strata certificate of title issued under section 9;

“unanimous resolution” means a resolution unanimously passed at a duly convened meeting of the management corporation at which all persons entitled to exercise the powers of voting conferred by or under this Act are present either personally or by proxy at the time of motion.

Application
of Land
Titles Act.
Cap. 157.

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

PART II

SUBDIVISION AND SUBSIDIARY STRATA LAND-REGISTER

Approval of
subdivision
under
Planning Act.
Cap. 232.

5. The provisions relating to the subdivision of land contained in the Planning Act and any rules made thereunder apply to the subdivision of any building or any lot.

Dealings with
subdivided
building.

Cap. 269.

6.—(1) Subject to this section and except in the case where pursuant to section 13 of the Land Titles Act the Registrar has directed that any building may be dealt with in parts under the provisions of the Registration of Deeds Act, no assurance (except reconveyances or discharges of subsisting mortgages or charges, vesting orders issued by the High Court and any assurance made pursuant to a power of sale conferred by any written law) disposing of any part of a subdivided building shall be registered under the Land Titles Act or the Registration of Deeds Act and the Registrar or the Registrar of Deeds, as the case may be, shall have the power to refuse to register that assurance or, where the assurance has been registered in contravention of this subsection, cancel that registration upon the discovery thereof.

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

(a) a strata title plan duly certified in accordance with section 10 together with an application for the

issue of subsidiary strata certificates of title has been lodged with the Registrar; and

- (b) the Registrar has registered the strata title plan and application lodged pursuant to paragraph (a) and has issued the subsidiary strata certificates of title applied for in the application.

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

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

(5) Subject to sections 51 and 52, this section shall not apply to any building where, on 15th April 1976, a flat forming part of that building has been disposed of by the proprietor thereof by a lease registered under the Land Titles Act or the Registration of Deeds Act, and the registered leasehold interest is vested in any person other than the proprietor.

Cap. 157.

Cap. 269.

(6) In this section —

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

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

7.—(1) Where planning permission has been granted on or after 15th April 1976 by the relevant authority in respect of any proposed development of land intended for strata subdivision after the completion of any building thereon, the registered proprietor thereof shall file with the Commissioner —

Schedule of strata units to be filed with Commissioner. 23/82.

- (a) within 60 days of the date of issue of the approved building plan for development of the land by the relevant authority, 4 copies of a schedule of

strata units showing the estimated share value to be allotted to each proposed strata unit; and

- (b) in the case where strata subdivision has been approved for the building or buildings or any part thereof after the filing of such schedule of strata units, 4 copies of a schedule of strata units showing the proposed share value to be allotted to each strata unit described in such strata subdivision within 60 days of the date of issue of the relevant strata subdivision plan.

(2) Where a schedule of strata units has been filed in accordance with subsection (1) the Commissioner may, after consultation with the Registrar, the competent authority and the Controller of Housing, approve the schedule or make such amendments thereto as he considers fit at any time within the period of 6 weeks from the date of filing of the schedule and upon giving such approval or making such amendments the Commissioner shall notify the registered proprietor accordingly.

23/82.

(3) Every contract for sale relating to a building, subdivided building or flat shown in the schedule of strata units filed with and approved or amended by the Commissioner pursuant to subsection (1) shall be deemed to have included therein a term that the proposed share value shown in the schedule of strata units to be allotted to the building, subdivided building or flat sold shall not be varied except as agreed upon by the purchaser or purchasers affected by any proposed variation and approved by the Commissioner, and any such variation of share value shall be filed with the Commissioner within 14 days of the date of such variation.

(4) Any registered proprietor who fails to comply with subsection (1) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and in the case of a continuing offence to a further fine of \$100 for every day after the first day during which the offence continues after conviction.

Notification
of planning
condition on
land-register,
etc.
23/82.

8.—(1) Where planning permission has been granted by the competent authority for the development of any land subject to the condition that 30% of the floor area of any building in the development must be owned by a single person for a period of 10 years from the date of the latest temporary occupation licence issued before the grant of the

certificate of fitness in respect of the development, the competent authority shall notify the Registrar of such planning permission and file with the Registrar the plans delineating the specified flats in any building comprising the aforesaid 30% of the floor area.

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

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

(3) Where the Registrar has discovered that any instrument has been lodged for registration or has been finally registered in contravention of the condition referred to in subsection (1), the Registrar shall serve a notice in writing on the person who appears in the records of the Registrar as the party claiming under the said instrument of the Registrar's intention to cancel the registration of the instrument and any instrument relating to the flats referred to in subsection (1) and any relating entries in the records maintained by the Registrar. On the expiration of the Registrar's notice, the Registrar shall without giving any further notice cancel the registration of the said instruments and all entries relating thereto.

(4) The registered proprietor may lodge an application with the Registrar in the approved form for the cancellation of any notification made by the Registrar in the land-register or subsidiary strata land-register pursuant to this section and the Registrar shall cancel the notification if he is satisfied that the condition referred to in subsection (1) has been fulfilled. [7A

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

Registration
of strata title
plan.

marked with the serial number of the strata title plan register.

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

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

(4) Subject to the provisions of this Act, any assurance or other dealing affecting a lot may be registered in the same manner and form and, upon registration, has the same effect as a similar assurance or dealing affecting part of registered land comprised in a subdivision plan approved by the competent authority, and registered pursuant to the provisions of the Land Titles Act. [8

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Strata title
plan and
other accom-
panying
documents.

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

(2) Each index plan shall —

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

with building plans and subdivision plans approved by the relevant authority.

(3) Each storey plan shall —

23/82.

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

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

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

(5) Where an accessory lot consists of a building or parts thereof and is bounded by external walls, floors and ceilings, the boundaries of such accessory lot shall be shown in the strata title plan in accordance with the requirements of subsections (2) and (3). 23/82.

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

- (a) the external boundaries of the accessory lot shall be ascertained from the building plans and the subdivision plans approved by the relevant authority, and the accessory lot shall be unlimited in its vertical dimensions except to the extent of any projection above, or encroachment below ground level by another part of the parcel; and

- (b) the strata title plan shall show a diagram of the accessory lot with similar dimensions as those shown on the approved plans mentioned in paragraph (a).

23/82.

(7) Every strata title plan shall —

- (a) show the share values in whole numbers of each lot including a provisional lot and a number equal to the aggregate share value entitlement of all the lots including provisional lots;
- (b) have endorsed upon it the address at which documents may be served on the management corporation in accordance with section 42; and
- (c) contain such other particulars as may be prescribed by rules made under this Act.

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

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

(a) the plan has been endorsed with —

- (i) a certificate of a surveyor registered under the Land Surveyors Act that all buildings and all lots shown in the strata title plan in relation to the external surface boundaries of the parcel are within the parcel and are in compliance with building plans (if any) and subdivision plans issued by the relevant authority; and

- (ii) the certificate of the Chief Surveyor or any other officer duly appointed to approve strata title plans on his behalf that such strata title plan has been approved by or on behalf of the Chief Surveyor and a copy thereof has been lodged in the Survey Office;

- (b) the plan is accompanied by a copy of the relevant strata subdivision plan approved by the relevant authority; and

Cap. 156.

- (c) the share value of each proposed lot has been entered in the plan in compliance with section 28.

(10) No share value shall be allotted to an accessory lot. 23/82.
[9]

11.—(1) Where a strata title plan has been registered and a subsidiary proprietor has obtained approval for subdivision of his lot or for amalgamation with another lot from the relevant authority, the subsidiary proprietor may lodge a strata title plan of redevelopment for registration with the Registrar. Plan of redevelopment.

(2) Every strata title plan of redevelopment shall — 23/82.

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

(3) On registration of the strata title plan for redevelopment, parts of any lot which are capable of forming the common property as provided under this Act shall form part of the common property in relation to all the lots comprised within the same parcel as described in the strata title plan first registered with the Registrar without the need for a resolution made pursuant to section 23 directing the management corporation concerned to accept a transfer of such parts of a lot to form part of the common property. 23/82.

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

(5) Subject to subsections (1) and (2), section 10 other than subsections (1) and (2) of that section, as well as other

provisions of this Act relating to a strata title plan and a lot, shall apply to the strata title plan for redevelopment when registered and any lot shown therein. [10]

Common
property.

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

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

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

(4) The duplicate certificate of title comprising the parcel shall be deposited with the Registrar after the issue of the relevant subsidiary strata certificates of title, and where subsidiary strata certificates of title were issued before 15th April 1976 the relevant duplicate certificates of title comprising parcels may be forwarded for deposit with the Registrar. [11]

Accessory
lot.

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

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

(3) Any assurance made in contravention of subsection (1) shall not be registered under this Act and

any registration thereof shall be null and void and shall not pass any estate or interest in the accessory lot.

(4) Where such assurance has been registered, the Registrar on discovery thereof shall cancel the registration, and no person affected by such cancellation shall be entitled to any compensation from the assurance fund. [12]

PART III

RIGHTS AND OBLIGATIONS OF A SUBSIDIARY PROPRIETOR

- 14.—**(1) In respect of each lot there shall be implied — Easement of support.
- (a) in favour of the subsidiary proprietor of the lot and as appurtenant thereto, an easement for the subjacent and lateral support thereof by the common property and by every lot capable of affording support; and
 - (b) as against the proprietor of each lot and to which the lot shall be subject, an easement for the subjacent and lateral support of the common property and of every other lot capable of enjoying support.

(2) The easement of support created by this section entitles the proprietor of the dominant tenement to enter on the servient tenement to replace, renew or restore any support. [13]

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

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

(3) The easement of shelter created by this section entitles the proprietor of the dominant tenement to enter on the servient tenement to replace, renew or restore any shelter. [14]

- 16.** In respect of each lot there shall be implied — Easements for passage of water, drainage and other services.
- (a) in favour of the subsidiary proprietor of the lot, and as appurtenant thereto, easements for the passage or provision of water, sewerage,

drainage, gas, electricity, garbage, artificially heated or cooled air and other services (including telephone, radio and television services) through or by means of any pipes, wires, cables or ducts to the extent to which those sewers, pipes, wires, cables or ducts are capable of being used in connection with the enjoyment of the lot; and

- (b) as against the subsidiary proprietor of the lot, and to which the lot shall be subject, easements for the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air and other services (including telephone, radio and television services) through or by means of any sewers, pipes, wires, cables or ducts, as appurtenant to the common property and also to every other lot capable of enjoying such easements. [15

Easements
for light
over-hanging
eaves and
other erected
projections.

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

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

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

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

(3) This section shall also extend to a lot for which a subsidiary strata certificate of title has been issued before 15th April 1976. [16

Ancillary
rights.

18. All ancillary rights and obligations reasonably necessary to make easements effective shall be implied

whenever easements are created or implied by and under this Act. [17]

19. The easements implied or created by this Act take effect and are enforceable without any memorial or notification on the folios of the subsidiary strata land-register and section 86 (5) and (6) of the Land Titles Act does not apply to such easements. [18]

Waiver of registration of statutory easements. Cap. 157.

20.—(1) The subsidiary proprietors may by unanimous resolution at a meeting convened by the management corporation direct the corporation —

Creation of easements and restrictions.

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

(2) The management corporation, if it is satisfied that the resolution was duly passed, and that all persons having registered interests in the parcel have consented in writing to the manner of creating those interests in respect of the registered land comprised in the proposed disposition, shall execute the appropriate instrument and that instrument is valid and effective without any execution by any person having an interest in the parcel, and the receipt of the management corporation for any moneys payable to the management corporation under the instrument is a sufficient discharge, and exonerates the person taking under the instrument from seeing to the application or being answerable for any loss or misapplication of the moneys expressed to have been so received.

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

(4) The Registrar shall register the instrument creating the easement or restrictive covenant by noting it on the registered strata title plan. [19]

Dispositions
of common
property.

21.—(1) The subsidiary proprietors may by a special resolution at a meeting convened by the management corporation direct the management corporation to transfer a part of the common property.

(2) The management corporation, if it is satisfied that the resolution was duly passed, and that all persons (other than the subsidiary proprietors) having registered interests in the parcel have consented in writing to the release of those interests in respect of the registered land comprised in the proposed transfer, and that the relevant authority and the Registrar have consented in writing to the proposed transfer so far as it affects subdivision and amalgamation of the land comprised therein shall execute the appropriate instrument and such instrument shall be valid and effective without execution by any person having an interest in the common property, and the receipt of the management corporation for any moneys payable to the management corporation under the instrument is a sufficient discharge, and shall exonerate the purchaser from seeing to the application or being answerable for any loss or misapplication of the moneys expressed to have been so received.

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

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

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

22.—(1) Where any part of land comprised in the common property of a parcel has been demarcated in any plan approved by the relevant authority before, on or after 15th April 1976 for roads, streets, road reserves, road widening and drainage reserves or for any other public use, that part of the common property as demarcated for any of the above purposes shall become vested in the Government upon the lodgment of an instrument of vesting in the approved form by the public authority for registration with the Registrar.

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

(2) The Registrar, if satisfied that the instrument of vesting relates to part of the common property as shown in the plan approved by the relevant authority for any of the purposes mentioned in subsection (1) and that the instrument has been duly executed and certified by the public authority, shall, notwithstanding that any part of a building within one or more lots is erected on, over or under any part of such common property, register the instrument on the relevant folio of the land-register without production of the duplicate instrument, and upon registration thereof the estate or interest in the part of the common property comprised in the instrument of vesting shall vest in the Government for an estate in perpetuity freed and discharged from all encumbrances and from any subsisting easements.

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

(4) The land thereby vested in the Government shall cease to be subject to the provisions of the Land Titles Act and the Registrar shall enter an appropriate notification to that effect on the relevant folio of the land-register, and create a new folio for the balance of the common property which remains vested in the subsidiary proprietors. [21

Cap. 157.

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

Addition to common property.

(a) of any land or part thereof, free from any encumbrances except those created by statute

and subsisting easements so that such land or part thereof shall form part of the common property in favour of the subsidiary proprietors; or

- (b) of any lot, including the undivided share in the common property appurtenant to that lot, free from any encumbrances except those created by statute and subsisting easements so that such lot shall form part of the common property in favour of the subsidiary proprietors of the other lots shown in the same registered strata title plan:

Provided that the prior approval in writing of the relevant authority and the Registrar shall be obtained for the transfer of any lot for the above purpose.

(2) The transfer lodged for registration shall contain a request to the Registrar that such land or part thereof, or the lot transferred, as the case may be, be included as part of the common property.

(3) Upon registration of such transfer the Registrar shall —

- (a) enter a memorial of the transfer on the folio of the land-register and the registered strata title plan comprising the parcel;
- (b) amend the registered strata title plan in such manner as the Registrar may think fit so as to show thereon the transferred land or part thereof or the lot transferred as forming part of the common property, and in the case where the lot is transferred, to delete the share value of that lot shown on the registered strata title plan and decrease the total number of share value equal to the aggregate share entitlement by amending such aggregate number shown on the registered strata title plan; and
- (c) upon such amendment being made the Registrar shall notify the Commissioner of the aggregate share entitlement and the consequent share entitlement of each subsidiary proprietor.

- (4) Upon registration of the transfer by the Registrar —
 - (a) the transferred land or the transferred lot, as the case may be, shall form part of the common

property and the provisions of the Act applicable to common property as varied by this section shall apply to such transferred land or lot;

- (b) the subsidiary proprietors shall hold the common property (including the transferred land or lot) as tenants in common in accordance with their respective share units as determined pursuant to subsection (3); and
- (c) without any further assurance the subsidiary proprietors shall hold the common property in the following manner:
 - (i) where the tenure of the transferred land is similar to that of the common property held by the subsidiary proprietors prior to the date of the registration of the transfer of such land, the subsidiary proprietors shall hold the common property (including the transferred land) for the same term and tenure as tenants in common in the manner as provided in paragraph (b);
 - (ii) where the tenure of the transferred land is not similar to that of the common property held by the subsidiary proprietors prior to the date of the registration of the transfer of such land, the subsidiary proprietors shall hold the entire term and tenure transferred to and accepted by the management corporation on behalf of the subsidiary proprietors as tenants in common in the manner as provided in paragraph (b);
 - (iii) where a lot is transferred, the term and tenure of that lot which comprises the additional common property shall be held for the same term and tenure as that of the lots held by the subsidiary proprietors prior to the date of the registration of the transfer; and

- (iv) if there is a subsisting registered mortgage, charge, lease or sub-lease or any other encumbrance on the lot of a subsidiary proprietor, the undivided share or shares in the transferred land or transferred lot forming the additional common property shall be held by the subsidiary proprietor of the said lot subject to the same mortgage, charge, lease or sub-lease or any other such subsisting encumbrance. [22

Amalgama-
tion of
whole of
common
property
comprised
in two or
more parcels.

24.—(1) Where there are two or more management corporations established upon the registration of separate strata title plans by the Registrar, the subsidiary proprietors being members of these management corporations (referred to in this section as the transferor management corporations) may by their respective special resolutions at the meetings convened by the transferor management corporations direct that for the purpose of amalgamating the common property within the parcels which are of the same tenure and held by them as tenants in common in undivided shares the relevant transferor management corporations shall execute an instrument of transfer of these parcels so that such parcels shall become vested as one parcel in all the subsidiary proprietors as tenants in common in so far as these parcels affect the common property, and upon registration of the instrument of transfer such common property shall be amalgamated and held in the shares proportionate to their respective share units subject to the same covenants, conditions and encumbrances, and for the same term and tenure then held by the subsidiary proprietors in respect of their respective lots prior to the date of the registration of the transfer by the Registrar.

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

(3) The procedure laid down in section 21 (2), (3) and (4) shall apply mutatis mutandis to the transferor management corporations and the subsidiary proprietors of the parcels to be amalgamated under this section.

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

- (a) the transferor management corporations shall be amalgamated into a single management corporation (referred to in this section as the transferee management corporation) which shall be responsible for all matters relating to the management of the subdivided buildings and the common property relating thereto;
- (b) all the members of the transferor management corporations shall be the members of the transferee management corporation;
- (c) all the members of the management councils of the transferor management corporations shall, until a new management council is elected for the transferee management corporation, be deemed to be the members of the management council of the transferee management corporation;
- (d) all the properties of the transferor management corporations shall be deemed to be transferred to and vest in, and all the liabilities of the transferor management corporations shall be transferred to and become the liabilities of, the transferee management corporation; and
- (e) all legal proceedings pending by or against the transferor management corporations may be continued by or against the transferee management corporation.

(5) In this section —

“liabilities” includes duties; and

“properties” includes rights and powers of every description. [23]

25.—(1) Notwithstanding sections 21, 23 and 24, a subsidiary proprietor may make an application to the court for an order to direct the management corporation or management corporations to —

Application made by subsidiary proprietor to court.

- (a) transfer a part of the common property;

- (b) accept a transfer of any land or part thereof or any lot so that the land or part thereof or lot shall form part of the common property; or
- (c) amalgamate the common property of two or more management corporations.

(2) When an application has been made to the court pursuant to subsection (1), the court, on being satisfied that it is impracticable to convene a meeting to pass a special resolution and that having regard to the rights and interests of the subsidiary proprietors and the persons having registered interests in the common property as a whole it is just and equitable that —

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

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

23/82.

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

- (4) Upon the registration of the transfer by the Registrar —
 - (a) in the case of a disposition of all or part of the common property, all subsidiary proprietors and other persons having registered interests in the common property shall be bound to accept the terms of the order of court and section 21 (4) shall apply *mutatis mutandis* to such transfer;

- (b) in the case of an addition to the common property, section 23 (3) and (4) shall apply mutatis mutandis to such transfer; and
- (c) in the case of the amalgamation of the common property of two or more management corporations, section 21 (4) and section 24 (2), (4) and (5) shall apply mutatis mutandis to such amalgamation. [24]

26. No action shall be brought by any person claiming title by adverse possession to the common property of a parcel or to any accessory lot or any part thereof created under this Act and the provisions of the Limitation Act relating to adverse possession shall not extend to such common property and accessory lot. [25]

Limitation Act not to extend to common property. Cap. 163.

27. Unity of seisin in two or more lots does not destroy easements or restrictions implied or created by this Part, but on the cessation of such unity they continue in full force and effect as if the seisin had never been united. [26]

Unity of seisin not to affect easements, etc.

28*.—(1) The share value of each lot including a provisional lot shown in every plan lodged for registration as a strata title plan shall be taken as share units, and in the case of any strata title plan where planning permission has been granted on or after 15th April 1976 each lot including a provisional lot shall have the share value shown in the schedule of strata units approved by the Commissioner pursuant to section 7 (1) (b) prior to the registration of the strata title plan by the Registrar. [27]

Share units. 23/82.

(2) The share units determine —

- (a) the voting rights of the subsidiary proprietors;
- (b) the quantum of the undivided share of each subsidiary proprietor in the common property; and
- (c) the proportion payable by each subsidiary proprietor of contributions levied by the management corporation pursuant to section 36.

[27]

29.—(1) No assurance of any provisional lot for which a subsidiary strata certificate of title is issued shall be

Provisional lots. 23/82.

*Subsections (3) to (8) of this section were deleted by Act 23/82.

registered under this Act and the Registrar shall enter an appropriate caution on the relevant subsidiary strata certificate of title prohibiting any assurance of the provisional lot comprised therein from being registered.

(2) Where an assurance of any provisional lot has been registered, such registration shall not pass any title or interest in the said provisional lot, and the Registrar shall, on discovery of the registration, cancel the registration, and no person affected by such cancellation shall be entitled to any compensation from the assurance fund.

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

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

(5) Where the word "provisional" has been deleted by the Registrar pursuant to subsection (4), any part of the lot which is capable of forming part of the common property comprised within the same parcel as shown in the strata title plan which was first registered with the Registrar shall form part of the common property in relation to all the lots comprised within the same parcel as described in the strata title plan registered with the Registrar without the need for a resolution made pursuant to section 23 directing the management corporation concerned to accept a transfer of such part of the lot to form part of the common property.

(6) Except as provided in subsections (1), (2) and (3), the provisions of this Act relating to a lot shall apply in all respects to a provisional lot. [27A

PART IV

MANAGEMENT OF BUILDING AND
MANAGEMENT CORPORATION

30.—(1) The subsidiary proprietor or subsidiary proprietors shall, by virtue of this Act, upon registration of the strata title plan be a body corporate with perpetual succession and a common seal and shall be called the management corporation. Establishment of a management corporation.

(2) The management corporation may —

- (a) sue and be sued on any contract made by it;
- (b) sue and be sued in respect of any matter affecting the common property; and
- (c) be sued in respect of any matter connected with the parcel for which the subsidiary proprietors are jointly liable.

(3) The management corporation shall elect a council which, subject to any restriction imposed or direction given by the management corporation at a general meeting, shall perform the management corporation's duties and conduct the management corporation's business on its behalf and may for that purpose exercise any of the management corporation's powers.

(4) The provisions of the First Schedule have effect in relation to the management corporation and its council.

(5) If the management corporation makes default in complying with any requirements of, or duties imposed upon it by, any of the provisions of the First Schedule the management corporation and every member of its council, or every subsidiary proprietor, who is knowingly a party to the breach or default, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

(6) Any member of the management council and any subsidiary proprietor who makes default in complying with any of the provisions of the First Schedule or makes default in complying with any requirements of, or duties imposed upon it by, any of the provisions of the First Schedule shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

(7) In this section, "subsidiary proprietors" includes the persons entitled to the parcel upon destruction of the subdivided building pursuant to section 44.

Duties and powers of management corporation.

31.—(1) The duties of the management corporation include the following:

- (a) to manage and properly maintain the common property and keep it in a state of good and serviceable repair;
- (b) unless otherwise directed by a unanimous resolution, to insure and keep insured the subdivided building to the replacement value thereof against fire and such other risks as may be prescribed under this Act;
- (c) to effect such other insurance of the subdivided building as may be required by law;
- (d) to insure against such other risks as the subsidiary proprietors may by special resolution direct;
- (e) subject to any order made by the court under section 43, forthwith to apply insurance moneys received by it in respect of damage to the subdivided building in rebuilding and reinstating it so far as it may be lawful to do so;
- (f) to pay premiums on any policy of insurance effected by it;
- (g) to 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 parcel;
- (h) to comply with any such notice or order as is referred to in paragraph (g) given or made in respect of any of the lots, if the subsidiary proprietor fails to do so within a reasonable time; and
- (i) to pay the rent (if any) on the land on which the subdivided building is erected.

(2) The powers of the management corporation include the following:

- (a) to recover from any subsidiary proprietor any sum expended by the management corporation in respect of that subsidiary proprietor's lot in complying with any such notice or order as is referred to in subsection (1) (h);

- (b) to purchase, hire or otherwise acquire movable property for use by the subsidiary proprietors in connection with their enjoyment of the common property;
 - (c) to borrow moneys required by it in the exercise of its powers or the performance of its duties;
 - (d) to secure the repayment of moneys borrowed by it and the payment of interest thereon by negotiable instrument or by a charge of unpaid contributions to the management fund, whether already levied or not; and
 - (e) to do all things reasonably necessary for the performance of its duties under this Part and for the enforcement of the by-laws set out in the Second Schedule.
- (3) The management corporation shall be deemed —
- (a) for the purpose of effecting any insurance under subsection (1) (b) or (c), to have an insurable interest in the subdivided building equal to its replacement value; and
 - (b) for the purpose of effecting any insurance under subsection (1) (d), to have an insurable interest in the subject-matter of the insurance.
- (4) A policy of insurance taken out by the management corporation under this section in respect of the subdivided building is not liable to be brought into contribution with any other policy of insurance, except another policy taken out under this section in respect of the same subdivided building.
- (5) Where the management corporation performs any repairs, work or act that it is required or authorised by or under this Part or by or under any other written law to perform (whether or not the repairs, work or act were or was performed consequent upon the service on it by any Government or statutory authority of any notice or order), but the repairs, work or act were or was wholly or substantially the liability or the responsibility of the subsidiary proprietor of a lot only or wholly or substantially for the benefit of some of the lots only or wholly or substantially the liability or the responsibility of the subsidiary proprietors of some of the lots only, any money

expended by the management corporation in performing the repairs, work or act shall —

(a) in the case where the repairs, work or act were or was wholly or substantially the liability or the responsibility of the subsidiary proprietor of a lot only, be recoverable by the management corporation in an action in any court of competent jurisdiction as a debt due to it jointly and severally from —

(i) the relevant subsidiary proprietor of the lot at the time when the repairs, work or act were or was performed; and

(ii) the relevant subsidiary proprietor of the lot at the time when the action was commenced; or

(b) in the case where the repairs, work or act were or was wholly or substantially for the benefit of some of the lots only or wholly or substantially the liability or the responsibility of the subsidiary proprietors of some of the lots only, be recoverable by the management corporation in an action in any court of competent jurisdiction as a debt due to it jointly and severally from —

(i) the relevant subsidiary proprietor of each of such lots at the time when the repairs, work or act were or was performed; and

(ii) the relevant subsidiary proprietor of each of such lots at the time when the action was commenced,

the amount payable by any subsidiary proprietor and former subsidiary proprietor in respect of any lot being not more than the proportion of the debt which the share unit of the lot then bears to the aggregate share units of all those lots.

(6) A subsidiary proprietor of a lot who is not the subsidiary proprietor of the lot at the time when the repairs, work or act referred to in subsection (5) were or was performed shall not be liable to pay to the management corporation any amount due under that subsection if he has, at any time on or within 21 days before the date he acquired

the title or interest in the lot, made a requisition in writing to the management corporation to inquire about the amount (if any) recoverable by the management corporation under that subsection in respect of the lot and the management corporation has —

- (a) certified that no amount is recoverable by the management corporation in respect of the lot; or
- (b) not given a reply to the requisition at any time within 14 days of the date of the service of the requisition.

(7) Where the management corporation incurs any expenditure or performs any repairs, work or act that it is required or authorised by or under this Part or by or under any other written law to perform (whether or not the expenditure was incurred or the repairs, work or act were or was performed consequent upon the service on it by any Government or statutory authority of any notice or order) and the expenditure or the repairs, work or act were or was 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 of any money expended by it in performing the repairs, work or act shall be recoverable by it from that person as a debt in an action in any court of competent jurisdiction.

(8) The generality of this section is not prejudiced by any other provision of this Part conferring a power or imposing a duty on the management corporation. [29]

32.—(1) Notwithstanding any existing policy of insurance effected on a subdivided building a subsidiary proprietor may effect a policy of insurance in respect of damage to his lot in a sum equal to the amount secured by a subsisting mortgage thereon and owing as at the date of the damage or loss caused to the lot.

Insurance
of lot
subject to
mortgage.

(2) Where any such policy of insurance is in force —

- (a) payment shall be made by the insurer under the policy to the registered mortgagees in order of their respective priorities, subject to the terms and conditions of the policy;
- (b) subject to the terms and conditions of the policy, the insurer is liable to pay thereunder —
 - (i) the value stated in the policy;

- (ii) the amount of the damage or loss; or
- (iii) the amount sufficient, at the date of the damage or loss, to discharge the mortgage charged upon the lot,

whichever is the least amount;

- (c) where the amount so paid equals the amount necessary to discharge a mortgage charged upon the lot the insurer is entitled to a transfer of the mortgage; and
- (d) where the amount so paid by the insurer is less than the amount necessary to discharge a mortgage charged upon the lot the insurer is entitled to a submortgage of the mortgage to secure the amount so paid on terms and conditions agreed upon as provided in subsection (3), or, failing agreement, on the same terms and conditions as those contained in the mortgage.

(3) For the purposes of subsection (2) (d), any insurer and mortgagee may at any time, whether before or after a policy of insurance has been effected by a subsidiary proprietor, agree upon the terms and conditions of the submortgage.

(4) Nothing in this section limits the right of the subsidiary proprietor to insure against risks other than damage to his lot.

(5) The policy of insurance authorised by this section and taken out by a subsidiary proprietor in respect of damage to his lot is not liable to be brought into contribution with any other policy of insurance unless it is another policy taken out under this section in respect of damage to the same lot.

(6) This section applies notwithstanding the provisions of any law relating to insurance. [30]

Appointment
of adminis-
trator for
management
corporation.

33.—(1) The court on the application of the management corporation, a subsidiary proprietor or any other person or body having a registered interest in a lot may appoint an administrator for the management corporation for a fixed or indefinite period and on such terms and conditions as to remuneration or otherwise as the court thinks fit.

(2) The remuneration and expenses of the administrator are a charge upon the management fund of the management corporation.

(3) The administrator, to the exclusion of the management corporation, has the power and shall perform the duties of the management corporation, or such of them as the court may order:

Provided that this subsection does not prevent an application by the corporation under subsection (4) for the removal or replacement of the administrator.

(4) The court on the application of the administrator or any person or body entitled to apply under subsection (1) may remove or replace the administrator.

(5) An administrator when appointed shall forthwith lodge with the Registrar and the Commissioner an office copy of the order of court making his appointment.

(6) Where an order of court for removal or replacement of an administrator has been granted to any person, such person shall forthwith lodge with the Registrar and the Commissioner an office copy of such removal or replacement.

(7) On any application made under this section the court may make such order for the payment of costs as it thinks fit. [31]

34.—(1) Where the Commissioner is satisfied that the management corporation is not carrying out its duties or performing its business satisfactorily and he is of the opinion that certain duties must be carried out urgently or immediate action must be taken with respect to matters of concern to the management corporation and the subsidiary proprietors, the Commissioner shall have the power and may perform the duties of the management corporation until such time an administrator is appointed under section 33.

Commissioner may act for management corporation.

(2) The expenses incurred by the Commissioner for and on behalf of the management corporation shall be charged upon the management fund of the management corporation.

(3) When the Commissioner has exercised the powers conferred upon him under this section he shall as soon as possible notify the management corporation concerned or every member thereof or the person responsible for the management of the subdivided building and the common property. [32]

By-laws for
regulation of
subdivided
building.

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

(2) The by-laws shall include the by-laws set out in the Second Schedule which shall not be added to, amended or repealed by the management corporation.

(3) The by-laws set out in the Second Schedule shall, as and from the registration of a strata title plan, be in force for all purposes in relation to every subdivided building.

(4) The management corporation may by special resolution make by-laws, not inconsistent with the by-laws set out in the Second Schedule, for regulating the control, management, administration, use and enjoyment of the subdivided building.

(5) The by-laws for the time being in force in respect of the subdivided building shall bind the management corporation and the subsidiary proprietors to the same extent as if they constituted properly executed agreements —

(a) on the part of the management corporation with the subsidiary proprietors; and

(b) on the part of each subsidiary proprietor with every other subsidiary proprietor and with the management corporation,

to observe and perform all the provisions of the by-laws.

(6) The management corporation shall —

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

(b) on receipt of an application in writing made by a subsidiary proprietor or by a person duly authorised to apply on behalf of a subsidiary proprietor for a copy of the by-laws in force, supply to such subsidiary proprietor or duly authorised person at a reasonable cost a copy of the by-laws; and

(c) on the application of any person who satisfies the management corporation that he has a proper interest in so applying, make available for inspection the by-laws.

(7) No by-law is capable of operating —

- (a) to prohibit or restrict the assurance of any lot; or
- (b) to destroy or modify any easement expressly or impliedly created by or under this Act.

(8) A copy of every by-law made by the management corporation and every modification or amendment of any by-law for the time being in force, certified as a true copy under the seal of the management corporation, shall be lodged by the management corporation with the Commissioner —

- (a) in the case of any by-law or amendment or modification thereto made before 15th April 1976 within 30 days of that date;
- (b) in the case of any new by-law and any amendment or modification of existing by-laws made on or after 15th April 1976 within 30 days of the passing of the resolution by the management corporation approving the making of such by-law or any amendment or modification of any existing by-law.

(9) Any by-law made by the management corporation before 15th April 1976 and any modification or amendment thereto shall cease to be binding on the subsidiary proprietors and the management corporation on the expiry of a period of 30 days commencing from that date (without prejudice to anything done previously) unless a certified true copy thereof has been lodged with the Commissioner in accordance with subsection (8) (a) within the time prescribed by that paragraph.

(10) Any by-law, and any modification or amendment of any existing by-law, made by the management corporation on or after 15th April 1976 shall not come into force until a copy thereof has been lodged with the Commissioner.

(11) The management corporation or any subsidiary proprietor shall be entitled to apply to the court —

- (a) for an order to enforce the performance of or restrain the breach of any by-law by; or
- (b) to recover damages for any loss or injury to person or property arising out of the breach of any by-law from,

any person bound to comply therewith, the management corporation or the administrator, and the court may make

such order against any such person, the management corporation or the members of its council, or the administrator, as the court thinks fit.

(12) Every occupier of a lot who commits a breach of any of the by-laws in the Second Schedule or makes default in complying with the provisions of the by-laws, and every subsidiary proprietor who is knowingly a party to the breach or default, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. [33

Management
fund.

36.—(1) The management corporation shall establish a fund for administrative expenses (referred to in this Part as the management fund) sufficient in the opinion of the management corporation for the purposes of controlling, managing and administering the common property, paying rent, rates and premiums of insurance and discharging any other obligation of the management corporation.

(2) The management corporation may invest as it thinks fit any moneys in the management fund.

(3) For the purpose of establishing and maintaining the management fund the management corporation may at a general meeting —

- (a) determine from time to time the amounts to be raised for the purposes mentioned in subsection (1);
- (b) raise the amounts so determined by levying contributions on the subsidiary proprietors in proportion to the share units of their respective lots; and
- (c) determine the amount of interest payable by a subsidiary proprietor in respect of late contributions which shall not exceed the rate of 10% per annum.

(4) On application by or on behalf of a person who is a subsidiary proprietor of a lot or by or on behalf of a prospective purchaser of a lot that is offered for sale or by or on behalf of the mortgagee or prospective mortgagee of a lot, the management corporation shall issue to that person a certificate certifying —

- (a) the amount determined pursuant to subsection (3) as the contributions of that subsidiary proprietor;

- (b) the time and manner of payment of the amount determined by it pursuant to that subsection;
- (c) the extent (if any) to which the contribution has been paid;
- (d) the amount (if any) then recoverable by the management corporation in respect of the lot pursuant to section 31 (5);
- (e) the sum or the respective sums standing to the credit of the fund or funds kept and maintained by the management corporation pursuant to subsection (1), and the amount or respective amounts out of that fund or those funds committed or earmarked for any expenses already incurred by the management corporation; and
- (f) whether or not the management corporation has incurred any expenditure or performed or is about to perform any repairs, work or act in respect of which a liability is likely to be incurred by the subsidiary proprietor under any provision of this Part and, if so, the estimated amount of the expenditure or the general nature of the repairs, work or act,

and as against the management corporation and in favour of any person (including the member) relying in good faith on such certificate, that certificate shall be conclusive evidence of the matters certified therein.

(5) Any contribution levied under subsection (3) in respect of a lot is due and payable on the passing of a resolution to that effect by the management corporation, and in accordance with the terms of that resolution, and may be recovered as a civil debt from a subsidiary proprietor of, or his successor in title to, the lot.

(6) Where any contribution levied under subsection (3) remains unpaid after the expiry of a period of 14 days from the date the management corporation has sent a written demand by registered post to a subsidiary proprietor of the lot in respect of which the contribution is levied, the subsidiary proprietor shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and in the case of a continuing offence to a further fine not exceeding \$50 for every day during which the contribution remains unpaid after conviction.

(7) For the purposes of subsections (5) and (6), “subsidiary proprietor” includes the person for the time being receiving the rent of the lot, whether as agent or trustee or as receiver, and who would receive the same if the lot were let to a tenant. [34]

Recovery of
contribution
from sale
of a lot.

37.—(1) Where —

- (a) any contribution has been levied under section 36 (3) in respect of a lot at any time before, on or after 15th April 1976; or
- (b) any amount is recoverable by the management corporation in respect of a lot pursuant to section 31 (5),

and such contribution or amount remains unpaid on the expiry of a period of 14 days after the management corporation has sent a written demand for the contribution or amount, that contribution or amount including any interest due thereon (if any) shall constitute a charge on the lot in favour of the management corporation upon lodgment of an instrument of charge by the management corporation with and the registration thereof by the Registrar.

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

- (a) the management corporation shall, subject to subsection (3), have the power of sale and all other powers relating or incidental thereto as if the management corporation 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 lot and to all encumbrances registered or notified prior to the date of the lodgment of that instrument of charge.

(3) The management corporation shall not proceed under subsections (2) (a) to sell the lot unless —

- (a) a special resolution has been passed by the management corporation to have the lot sold;
- (b) a notice of the intended sale has been published once in one or more daily newspapers as approved by the Registrar;

- (c) during the period of 6 weeks after the date of such publication no payment has been made for the amount of contribution including interest thereon due and the cost of publication specified in paragraph (b) as well as any other necessary incidental charges; and
- (d) there is no legal action pending in court to restrain the management corporation from proceeding with the sale.

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

- (a) such transfer shall not be accepted for registration unless there has been lodged with the Registrar —
 - (i) a certified true copy of the special resolution of the management corporation authorising the exercise of its power of sale with the seal of the management corporation affixed thereto in the presence of two members of the council of the management corporation;
 - (ii) a copy each of the notice of the publication specified in subsection (3) (b); and
 - (iii) a statutory declaration made by the members of the council of the management corporation referred to in subparagraph (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 management corporation from proceeding with the sale of the lot; and
- (b) neither the purchaser of the lot from the management corporation nor the Registrar shall be concerned to enquire into the regularity or validity of the sale or transfer.

(5) Where the management corporation has wrongfully or otherwise exercised its power of sale in contravention of this section every member of the council of the management corporation present when the special resolution was passed or in whose presence the seal of the management corporation 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 2 years or to both.

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

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

(8) This section shall be without prejudice to the rights and powers conferred on the management corporation by section 31 (5) or section 36 (5) and (7) to recover the contribution or amount due and all interest thereon including any legal costs and incidental charges necessarily incurred for the recovery of such contribution or amount in respect of any lot as a civil debt from the subsidiary proprietor of, or his successor in title to, the lot.

(9) In this section, "public authority" means the Government, Collector of Land Revenue, Comptroller of Property Tax, and shall include any other person, corporation or body, authorised or empowered by any written law to attach, sell or acquire land compulsorily. [35]

38.—(1) The payment of any amount lawfully incurred by the management corporation in the course of the exercise of any of its powers or functions or the carrying out of its duties or obligations shall, by virtue of this section, be guaranteed by the persons who, for the time being and from time to time, are the members of the management corporation, the member who is or the members who are the subsidiary proprietor or subsidiary proprietors of each lot being liable under such guarantee only for such proportion of the money so incurred as the share unit of that lot bears to the aggregate share units of all the lots.

Liability of members for debts of management corporation.

(2) Where —

(a) by reason of any liability of a member or former member of the management corporation under subsection (1) that member or former member has, in respect of any matter, been obliged to pay, and paid, more than the proportion for which he was liable in respect of that matter under section 36 (3); and

(b) any other member or members of the management corporation has or have not discharged or fully discharged his or their liability under that subsection in respect of that same matter,

the member or former member referred to in paragraph (a) shall be entitled to recover from the member or members referred to in paragraph (b) in any court of competent jurisdiction, as a debt due to him from that member or those members, an amount not exceeding the amount by which the aggregate amount paid by him in respect of that matter exceeded the amount of the proportion for which he was liable in respect of that matter under section 36 (3), but no member referred to in paragraph (b) shall be held liable to pay under this subsection more than the amount remaining undischarged of his liability in respect of that matter under section 36 (3). [36]

39. Any term or condition contained in a lease granted in respect of a lot (whether created before or after 15th April 1976) creating a leasehold interest of a term of not less than 21 years computed as from the date of the lodgment of the lease with the Registrar, which seeks to deprive or deny the lessee under the lease of his rights to exercise the powers conferred upon a subsidiary proprietor by the provisions of

Restrictions on subsidiary proprietor's rights.

this Part relating to the management of the subdivided building and the common property shall have no effect whatsoever. [37]

Restriction
on voting
rights.

40.—(1) Where a subsidiary proprietor is for any reason unable to control his property, the powers of voting conferred on him by the First Schedule are exercisable by the person who is for the time being authorised by law to control that property.

(2) Where a subsidiary proprietor's interest is subject to one or more registered mortgages, the powers of voting conferred on him by the First Schedule —

(a) shall, in any case where a unanimous resolution is required, be exercised by the mortgagee first entitled in priority either personally or by proxy unless the mortgagee has at any time prior to the general meeting given notice in writing to the management corporation that he does not intend to exercise the said powers of voting;

(b) in any other case, may be exercised by the subsidiary proprietor unless the mortgagee first entitled in priority has at any time prior to the general meeting given written notice to the management corporation of his intention to exercise the said powers of voting and in such event the powers of voting shall be exercised by the mortgagee when the mortgagee is present personally or by proxy at the general meeting and if the mortgagee or his proxy is not present at the general meeting, then the powers of voting may subject to paragraph (c) be exercised by the subsidiary proprietor;

(c) in any case where the mortgagee first entitled in priority does not wish to exercise his powers of voting, the registered mortgagee entitled next in priority or his proxy may exercise the powers of voting conferred upon the mortgagee first entitled in priority and if the registered mortgagee entitled next in priority or his proxy is not present at the said general meeting then such powers of voting may be exercised by the subsidiary proprietor.

(3) A registered mortgagee shall not be entitled to exercise his powers of voting conferred by subsection (2) unless he has notified his interest to the management corporation. [38]

41. Where the court, on the application of the management corporation or a subsidiary proprietor, is satisfied that there is no person or body able to vote in respect of a lot, the court —

Power, of court where no person able to vote in respect of a lot.

(a) shall, in cases where a unanimous resolution is required by this Act; and

(b) may, in any other case,

appoint the Public Trustee or some other fit and proper person or body for the purpose of exercising such of the powers of voting attached to the lot under this Act as the court may determine. [39]

42.—(1) The management corporation shall at or near the front building alignment of the parcel —

Service of documents.

(a) cause to be continuously displayed a notice showing the name of the management corporation and the address for service of documents shown on the registered strata title plan; and

(b) where the address for service of documents shown on the registered strata title plan is the postal address of the building erected within the parcel, cause to be continuously available a receptacle suitable for purposes of postal delivery with the name of the management corporation clearly shown thereon.

(2) Where the address for service of documents is altered the management corporation shall forthwith notify the Registrar and the Commissioner of the alteration, and the Registrar shall amend the registered strata title plan accordingly.

(3) A document may be served on the management corporation by sending it by registered post addressed to the management corporation at the address shown on the registered strata title plan or any amendment thereto.

(4) Section 55 (3) of the Land Titles Act shall apply to such service. Cap. 157.

(5) For the purposes of this section, “document” includes summons, notice, order and other legal process. [40]

Power of court where subdivided building damaged.

43.—(1) Where a subdivided building shown in a strata title plan is damaged but is not totally destroyed, the court, on the application of the management corporation, a subsidiary proprietor or the registered mortgagee of any lot, may by order settle a scheme for the reinstatement or continued use of the subdivided building in whole or in part; and any such scheme may include provision for the transfer of the interests of the subsidiary proprietors of lots which have been wholly or partially destroyed to the other subsidiary proprietors in proportion to their share units.

(2) In the exercise of its powers under subsection (1) the court may make such orders as it thinks necessary or expedient for giving effect to the scheme, including orders —

- (a) directing the application of insurance moneys received by the management corporation in respect of damage to the subdivided building;
- (b) directing payment of money by the management corporation or by the subsidiary proprietors or some or one or more of them;
- (c) directing such amendment or replacement of the registered strata title plan and such consequential amendment or replacement of the subsidiary strata land-register as the court thinks fit; and
- (d) imposing such terms and conditions as the court thinks fit.

(3) Where an application is made under subsection (1), any insurer who has effected insurance on the subdivided building or any part thereof (being insurance against damage to the subdivided building or lots) to which the application relates has the right to appear on the hearing of the application. [41]

Termination of subdivision and strata subsidiary titles on destruction of subdivided building.

44.—(1) For the purposes of this Act, a subdivided building shown in a strata title plan shall be deemed to be destroyed on the happening of the following events:

- (a) when the subsidiary proprietors by a unanimous resolution resolve that the subdivided building be destroyed; or

(b) when on an application made by the management corporation, a subsidiary proprietor or a registered mortgagee, the court, on being satisfied that it is just and equitable that the subdivided building be deemed to have been destroyed after having considered —

- (i) the scheme and intent of this Act;
- (ii) the probability of unfairness to one or more subsidiary proprietors if termination of subdivision is not ordered;
- (iii) the rights and interests of the subsidiary proprietors as a whole; and
- (iv) the probability of confusion and uncertainty in the affairs of the management corporation or the subsidiary proprietors if a declaration of destruction of the subdivided building is not made,

makes a declaration to that effect.

(2) Upon destruction of the subdivided building the management corporation shall forthwith lodge with the Registrar a notice of its destruction in the prescribed form.

(3) On receipt of that notice the Registrar shall enter a notification of the destruction of the subdivided building and a memorial of the vesting of the parcel in the subsidiary proprietors as tenants in common in the registered strata title plan and in the volume and folio of the land-register comprising the parcel.

(4) Upon the entry of that memorial —

- (a) each subsidiary proprietor ceases to be a subsidiary proprietor of the lot, and is entitled to the parcel as a tenant in common with the other subsidiary proprietors in the shares proportional to his share units and for the same term and tenure held by him in respect of his lot;
- (b) any subsisting encumbrance registered against his lot is an encumbrance on his share in the registered land comprising the parcel, and a memorial or notification of the encumbrance

entered in the volume and folio of the land-register comprising that registered land shall bear the same date as the date of the registration of that encumbrance against his lot; and

- (c) all statutory easements implied under this Act shall cease to affect the registered land comprising the parcel or any part thereof.

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

(6) The management corporation, if it is satisfied that the resolution was duly passed, and that all persons having registered interests in the parcel have consented in writing to the release of their respective interests in the registered land comprising the parcel or any part thereof, intended to be transferred, shall execute the appropriate transfer, and the transfer is valid and effective without execution by any person having a registered interest in the parcel, and the receipt of the management corporation for any moneys payable to the management corporation under the transfer is a sufficient discharge, and exonerates the person taking under the transfer from seeing to the application or being answerable for any loss or misapplication of the moneys expressed to have been so received.

(7) A transfer executed by the management corporation pursuant to subsection (6) shall not be accepted for registration unless accompanied by a certificate in the prescribed form under the seal of the management corporation that the resolution was duly passed and that all necessary consents were given, and such a certificate is, in favour of a purchaser of the parcel and in favour of the Registrar, conclusive evidence of the facts stated therein.

(8) When registered land or any part thereof is transferred by a former subsidiary proprietor or the management corporation after a notice of destruction of the subdivided building has been lodged with the Registrar —

- (a) the former subsidiary proprietor, if he is transferring, shall surrender to the Registrar his duplicate subsidiary strata certificate of title relating to his lot;
- (b) the management corporation, if it is transferring on behalf of all the former subsidiary proprietors,

shall surrender to the Registrar on behalf of all the former subsidiary proprietors their duplicate subsidiary strata certificates of title; and

- (c) the Registrar, on receipt of the duplicate subsidiary strata certificate or certificates of title comprising the lot or lots, as the case may be, shall cancel the relevant folios of the subsidiary strata land-register, and registration of the transfer shall be effected by the Registrar issuing a certificate of title for the undivided share in the registered land or for the whole of the registered land transferred to the transferee, as the case may be.

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

(10) Where a transfer of the parcel pursuant to subsection (5) has been lodged with and registered by the Registrar, the management corporation shall continue in existence for the purpose of winding up its affairs.

(11) The court may, on the application of the management corporation or its administrator, a former subsidiary proprietor or a former mortgagee, by order make provision for the winding up of the affairs of the management corporation and for the appointment of a liquidator to carry out the winding up.

(12) Until a liquidator has been appointed by the court for the purpose of carrying out the winding up of the management corporation, the council of the management corporation shall continue to perform the management corporation's business for the purpose of winding up its affairs. On the appointment of a liquidator all the powers of the council of the management corporation shall cease and the liquidator shall have the power to carry on the management corporation's business for the purpose of winding up its affairs.

(13) On the management corporation being wound up —

- (a) every former subsidiary proprietor shall be liable to contribute to the assets of the management

corporation to an amount sufficient for the payment of its debts and liabilities and the costs, charges and expenses of the winding up; and

- (b) the assets of the management corporation, if any, shall be distributed among the former subsidiary proprietors,

in the same proportion as the proportion of contributions which such former subsidiary proprietors would have been liable for in accordance with section 28.

(14) The court may, on the application of a former subsidiary proprietor, a former mortgagee or the liquidator and on being satisfied that the affairs of the management corporation have been wound up, make an order that the liquidator be released and that the management corporation be dissolved and on lodgment of such order for registration under this Act, the Registrar shall then register and cancel the relevant record of the subsidiary strata land-register.

(15) In this section —

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

“former subsidiary proprietor” means a person who, or a body which, immediately before the subdivision of a subdivided building is terminated under this section, was the subsidiary proprietor of a lot, forming part of the subdivided building. [42

Breaches of provisions of this Part.

45.—(1) If the management corporation 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 management corporation and every member of its council, or every subsidiary proprietor, who is knowingly a party to the breach or default shall be guilty of an offence and shall be liable on conviction to a penalty expressly prescribed for such breach or default, or, if no penalty is so prescribed, to a fine not exceeding \$2,000.

(2) Where a requirement or duty is imposed on the management corporation by this Part, any person for whose

benefit, or for the benefit of whose lot that requirement or duty is imposed on the management corporation may apply to the court for an order compelling the management corporation to carry out the requirement or perform the duty, as the case may be, and, on such an application being made, the court may make such order as it thinks proper.

(3) Any offence under this Act may be tried by a District Court or by a Magistrate's Court and such Court shall, notwithstanding the provisions of the Criminal Procedure Code and any other written law, have power to impose the maximum penalty provided for by this Act. [43

Cap. 68.

46.—(1) Every application to the court under this Act shall be by summons in chambers. Legal proceedings.

(2) Where this Act provides for any sum to be recovered by any person or authority from any other person or authority, the sum may be recovered by an action for debt in any court of competent jurisdiction. [44

PART V

MISCELLANEOUS

47.—(1) A registered lessee, registered as such after the commencement of this Act, may by an application in the prescribed form apply to the Registrar for the issue of a subsidiary certificate of title in respect of the registered leasehold estate to his flat. Issue of subsidiary certificate of title to registered lessee.

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

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

(4) The subsidiary certificate of title shall be in the prescribed form and upon its issue any assurance or other dealing affecting the leasehold estate comprised therein is subject to the provisions of the Land Titles Act. [45

Cap. 157.

Special provisions for disposal of flats by Housing and Development Board.
23/82.

48.—(1) The restriction imposed by section 6 (1) on an assurance disposing of any part of a subdivided building shall not apply to any assurance disposing of any interest in any flat in a subdivided building erected on registered land where the interest in the flat is held under a lease from the Board.

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

Cap. 129.

(3) In this section, “Board” means the Housing and Development Board incorporated under the Housing and Development Act. [46]

Special provisions for disposal of flats by Jurong Town Corporation.
23/82.

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

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

Cap. 150.

(3) In this section, “Jurong Town Corporation” means the Jurong Town Corporation incorporated under the Jurong Town Corporation Act. [47]

Special provisions for bringing land, in respect of which flats erected thereon are registered in Registry of Deeds, under Land Titles Act.
Cap. 269.
Cap. 157.

50.—(1) Where there are subsisting leases of flats registered under the provisions of the Registration of Deeds Act and the registered proprietor of the land on which the flats are erected is not the registered proprietor of all the flats such proprietor of the land may lodge an application with the Registrar to have the land on which the flats are erected brought under the provisions of the Land Titles Act.

(2) When an application is lodged under subsection (1) the registered proprietor shall deposit with the Registrar the title deeds in his possession relating to the land.

(3) The Registrar may, after inspection of the title deeds, create a folio of the land-register by issuing a qualified certificate of title for the land on which the flats are erected, and upon such issue the Registrar shall enter a notification on the relevant volume and folio of the land-register (when created) of the subsisting registered leases of the flats.

(4) Where a qualified certificate of title has been issued under subsection (3), the registered proprietor of the registered land in whose favour the qualified certificate of title has been issued may with the approval of the Commissioner transfer at his expense his entire registered estate or interest in his land to the registered proprietors of the flats erected on such land as tenants in common —

- (a) in proportion to the number of flat units erected on the said land; or
- (b) in the event of any objection in writing being lodged with the Registrar within 60 days, in the proportion as agreed upon in writing by the registered proprietors of the flats entitled to not less than 51% of the number of flat units.

(5) All the registered proprietors of the flats shall be bound to accept the transfer of the estate or interest in the land in the shares as approved by the Commissioner pursuant to subsection (4).

(6) No share of the estate or interest in the registered land shall be disposed of except as appurtenant to the flat unit of the registered proprietor registered under the provisions of the Registration of Deeds Act, and no assignment of a leasehold estate or an interest in the flat unit shall operate to pass such leasehold estate or interest to the assignee intended to take under the assignment unless the relevant undivided share in the registered land made appurtenant to the flat unit has been transferred to the assignee and the instrument of transfer of such undivided share has also been registered with the Registrar at the same time when the assignment of the flat unit is presented for registration with the Registrar of Deeds.

Cap. 269.

(7) Notwithstanding the transfer of the estate or interest in the land to the registered proprietors of the flats erected on such land pursuant to subsection (4) —

- (a) all the terms, covenants and conditions contained in the leases of the flats erected on such land which are registered under the provisions of the Registration of Deeds Act shall not merge with the interests of the registered proprietor of the land;
- (b) such terms, covenants and conditions shall continue in force as if there has been no transfer and any registered proprietor of a flat erected on such land may enforce the performance of any such term, covenant and condition which the registered proprietor of the land may enforce performance prior to the transfer; and
- (c) any cause of action which has arisen as between any registered proprietor of the flats and the registered proprietor of the land prior to the transfer may be continued or enforced as if there has been no transfer. [48]

Cap. 269.

Special provisions for the issue of subsidiary strata certificates of title for flats registered under Registration of Deeds Act.
Cap. 157.

51.—(1) Where there are subsisting leases of flats registered under the Registration of Deeds Act, the registered proprietors of the flats who altogether own not less than 51% of the number of flat units comprised in the building erected on the same parcel of land together with the registered owner of the land on which the said flats are erected may lodge with the Registrar —

- (a) in the case where the land has not been brought under the provisions of the Land Titles Act and transferred to the registered proprietors of the flats, an application to have the land brought under the provisions of the Land Titles Act accompanied with a transfer of the said land from the registered proprietor of the land to all the registered proprietors of the flats as tenants in common in the shares as may be agreed upon by a majority of such registered proprietors; and
- (b) an application for the issue of subsidiary strata certificates of title for the flat units together with a strata title plan (as approved by the Chief

Surveyor) for the issue of subsidiary strata certificates of title for the flat units.

(2) The Registrar may, upon acceptance of the instruments and strata title plan, require the title deeds to the land in the possession of the registered proprietor of the land and to the flats in the possession of the flat owners to be produced for his inspection before he issues a qualified certificate of title for the land and the subsidiary strata certificates of title according to the strata title application and the strata title plan lodged.

(3) The Registrar before issuing subsidiary strata certificates of title in favour of the registered proprietors of the flats as shown in the records of the Registry of Deeds may require a notice in the form approved by him to be inserted once in one or more daily newspapers to the effect that the Registrar will issue the subsidiary strata certificates of title pursuant to the application lodged and in accordance with the records maintained at the Registry of Deeds after the expiration of 6 weeks from the date of publication of the notice if no valid objection is made at the Land Titles Registry.

(4) Where the registered proprietors of the flats who altogether own not less than 51% of the flat units comprised in the building erected on the parcel of land have agreed to accept the transfer of the said land from the registered proprietor of the land, all the remaining registered proprietors of the flat units in the same building shall be bound to accept the transfer. [49]

52.—(1) Where there are subsisting leases of flats registered under the Land Titles Act, the registered proprietors of the flats who altogether own not less than 51% of the number of flat units comprised in the building erected on the same parcel of land together with the registered owner of the land on which the flats are erected may lodge with the Registrar a transfer of the said land from the registered proprietor of the land to all the registered proprietors of the flats as tenants in common in the shares as may be agreed upon by a majority of such registered proprietors together with an application for the issue of subsidiary strata certificates of title for the flat units and a strata title plan (as approved by the Chief Surveyor).

Special provisions for issue of subsidiary strata certificates of title for flats registered under Land Titles Act. Cap. 157.

(2) The Registrar may, upon acceptance of the instruments and strata title plan if he is satisfied that the instruments and strata title plan are in order, register all the registered proprietors of the flats as the proprietors of the registered land as tenants in common in the shares as agreed upon by the majority of such registered proprietors and issue the subsidiary strata certificates of title according to the strata title application and the strata title plan lodged.

(3) Where the registered proprietors of the flats who altogether own not less than 51% of the flat units comprised in the building erected on the parcel of land have agreed to accept the transfer of land from the registered proprietor of the land, all the remaining registered proprietors of the flat units in the same building shall be bound to accept the transfer. [50]

Effect of
issue of
qualified
certificate of
title and of
subsidiary
strata
certificates
of title.
Cap. 157.

53.—(1) Upon the issue of a qualified certificate of title for the land pursuant to sections 50 and 51, all the provisions of the Land Titles Act relating to a qualified certificate of title except section 15 (1), (2) and (6) of that Act shall apply to the land comprised therein.

Cap. 269.

(2) Upon the issue of the subsidiary strata certificates of title for the flats pursuant to sections 51 and 52 all the provisions in the leases of the flats registered under the provisions of the Registration of Deeds Act and the Land Titles Act shall cease to apply to the flats except in respect of any terms, covenants and conditions which were subsisting prior to the date of the issue of the subsidiary strata certificates of title insofar as they relate to any obligations which have yet to be fulfilled or any cause of action which had arisen as between the registered proprietors of the flats themselves and as between the registered proprietors of the flats and the registered proprietors of the land on which the flats are erected.

(3) The qualified certificate of title issued under section 50 or 51 may, if the circumstances so require, be qualified as to boundaries and dimensions, and section 148 (3) and (4) of the Land Titles Act shall *mutatis mutandis* apply thereto. [51]

Exemption
from stamp
duty.

54. A transfer lodged pursuant to section 50, 51 or 52 shall not be liable to stamp duty. [52]

55.—(1) The Minister may make rules not inconsistent Rules. with this Act for giving effect to the provisions of this Act and, in particular and without limiting the generality of the foregoing power, for or in respect of all or any of the following matters:

- (a) the manner and form of registering a strata title plan;
- (b) the composition of the council of a management corporation of a subdivided building; and
- (c) the fees to be paid for any procedure or function required or permitted to be done under this Act and the remission of such fees.

(2) All such rules shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication. [53

FIRST SCHEDULE

Sections
30 (4), 40.

MANAGEMENT CORPORATION

1. In the application of this Schedule to any particular manage- Definitions. ment corporation —

- “corporation” means the management corporation in question;
- “council” means the council of the corporation;
- “general meeting” means a general meeting of the corporation;
- “proprietor” means a subsidiary proprietor who is a member of the corporation.

2. The corporate name of the corporation shall be “The Name. Management Corporation — Strata Title No. ”, the number to be specified being the serial number of the relevant strata title plan.

3.—(1) Subject to this paragraph and to any rules made under the Constitution of council. Act, the council shall consist of not less than 3 and not more than 14 proprietors, who shall be elected at each annual general meeting and shall cease to hold office at the next annual general meeting.

(2) Where —

- (a) the first annual general meeting has not yet been held; or
- (b) there are not more than 3 proprietors,

the council shall consist of all the proprietors.

(3) Except where the council consists of all the proprietors, the corporation may at any time by resolution at an extraordinary general meeting remove any member of the council from office and appoint another proprietor in his place to hold office until the next annual general meeting.

FIRST SCHEDULE — *continued*

(4) A member of the council may resign his office at any time by writing under his hand addressed to the corporation.

(5) Where a vacancy in the membership of the council occurs otherwise than by the operation of sub-paragraph (1) or (3), the remaining members may appoint another proprietor to be a member until the next annual general meeting.

(6) Members of the council shall be eligible for re-election or reappointment.

Meetings.

4. The council shall meet at such times and places and at such intervals as it thinks fit:

Provided that any member of the council may convene a meeting by appointing a date for the meeting and giving the other members not less than 7 days notice of the date appointed.

Quorum for
council
meetings.

5.—(1) Except where there is only one proprietor, a quorum at meetings of the council shall be —

- (a) two, where there are not more than 4 members;
- (b) three, where there are 5 or 6 members;
- (c) four, where there are 7 or 8 members;
- (d) five, where there are 9 or 10 members;
- (e) six, where there are 11 or 12 members; and
- (f) seven, where there are 13 or 14 members.

(2) Questions arising at meetings shall be decided by simple majority vote.

(3) Every meeting of the council shall be presided over by a chairman, who shall be elected from among themselves by the members of the council present at the meeting and who shall have a casting as well as an original vote.

(4) Subject to this paragraph, the council may regulate its own procedure at meetings.

Delegation
of powers.

6. Subject to any restriction imposed or direction given by the corporation at a general meeting, the council may —

- (a) delegate to any one or more of its members the exercise of any of its powers or the performance of any of its duties; and
- (b) revoke the delegation at any time.

Employment
of agents
and
employees.

7. The Council may employ for and on behalf of the corporation such agents and employees as it thinks fit in connection with the exercise of the powers and the performance of the duties of the corporation.

Proceedings
of council.

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

(2) The council shall —

- (a) cause proper books of account to be kept in respect of all sums of money received and expended by it, specifying

FIRST SCHEDULE — *continued*

the matters in relation to which the receipts and expenditure take place; and

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

(3) The council shall prepare for each annual general meeting proper accounts relating to all moneys of the corporation and the corporation's income and expenditure.

(4) The accounts of the corporation shall be audited annually by auditors appointed by the council.

(5) The council shall within 28 days of a general meeting file with the Commissioner certified true copies of —

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

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

(7) The Commissioner or any person authorised by him to act on his behalf may require any member 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 this Act.

9.—(1) The corporation shall hold an annual general meeting for the consideration of accounts, the election of the council and the transaction of such other business as may arise.

Annual
general
meeting.

(2) The first annual general meeting shall be held within 6 months after registration of the strata title plan and subsequent annual general meetings shall be held once in each year:

Provided that not more than 15 months shall elapse between the date of one annual general meeting and the next.

10.—(1) A general meeting other than the annual general meeting shall be known as an extraordinary general meeting.

General
meetings.

(2) The council —

- (a) shall convene an extraordinary general meeting upon a requisition in writing made by the proprietors who are together entitled to at least 25% of the share units;
(b) shall convene an extraordinary general meeting upon receiving a direction in writing from the Commissioner for

FIRST SCHEDULE — *continued*

the transaction of such business as the Commissioner may direct; and

- (c) may convene an extraordinary general meeting on such other occasions as it thinks fit.

(3) Where the Commissioner is satisfied that the council has not been properly constituted the Commissioner may authorise in writing any proprietor to convene an extraordinary general meeting for such purposes as may be approved by the Commissioner.

Notice.

11. Seven days notice of any general meeting, specifying the place, date and hour of the meeting and the general nature of the business to be transacted, shall be given to every proprietor and every first mortgagee of a lot in the subdivided building (being a registered mortgagee who has notified his interest to the corporation):

Provided that accidental omission to comply with this paragraph in respect of a proprietor or mortgagee shall not invalidate the proceedings at the meeting.

Quorum.

12.—(1) One-half of the persons entitled to vote shall constitute a quorum at a general meeting.

(2) If within half an hour after the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time; and, if at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, those persons entitled to vote who are present shall constitute a quorum.

Chairman.

13. Every general meeting shall be presided over by a chairman, who shall be elected from among themselves by those persons present who are entitled to vote.

Resolutions.

14.—(1) A resolution at a general meeting shall be decided on a show of hands unless a poll is demanded by a person entitled to vote.

(2) Unless a poll is demanded, a declaration by the chairman that a resolution has been carried on a show of hands shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

(3) A demand for a poll may be withdrawn.

(4) Where a poll is taken, it shall be taken in such manner as the chairman thinks fit, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

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

Voting.

15.—(1) On a show of hands or a poll, votes may be cast either personally or by proxy.

FIRST SCHEDULE — continued

(2) An instrument appointing a proxy (who need not be a proprietor) shall be in writing under the hand of the person making the appointment or his attorney, and may be either for a general or a particular meeting.

16. Each proprietor who is not a co-proprietor shall have one vote on a show of hands and on a poll shall have such number of votes as corresponds with the number of the share units attaching to his lot: Co-proprietor.

Provided that except where a unanimous resolution is required, no proprietor shall be entitled to vote at a general meeting unless all contributions to the management fund of the corporation in respect of his lot have been duly paid.

17.—(1) Co-proprietors may vote by means of a jointly appointed proxy. Proxy of co-proprietor.

(2) In the absence of a proxy, co-proprietors shall not be entitled to vote on a show of hands except where a unanimous resolution is required:

Provided that any one co-proprietor may demand a poll.

(3) On a poll each co-proprietor shall be entitled to such number of the votes attaching to his lot as is proportionate to his interest in the lot (fractions being disregarded).

18. The common seal of the corporation shall not be used except on the authority of the council previously given and in the presence of at least two members of the council, who shall sign the instrument to which the seal is affixed: Common seal.

Provided that where there is only one member of the corporation, his presence and signature shall be sufficient.

SECOND SCHEDULE

BY-LAWS REGULATING SUBDIVIDED BUILDING IN REGISTERED STRATA TITLE PLAN

Sections
31 (2), 35 (2),
(3), (4), (12).

PART I

1.—(1) In the application of these By-laws to any particular subdivided building — Definitions.

“building” means the subdivided building in a registered strata title plan in question;

“corporation” means the management corporation of the building;

“lot” means a lot in the building;

“proprietor” means a subsidiary proprietor of a lot in the building.

(2) Except in by-law 2 (g), references in these By-laws (however expressed) to a subsidiary proprietor shall, where the context so

SECOND SCHEDULE — *continued*

admits, in the case of a lot occupied by a person who is not a subsidiary proprietor, be construed as including the occupier of that lot.

Duties of
proprietor.

2. A proprietor shall —

- (a) permit the corporation and its agents at all reasonable times and on reasonable notice being given (except in case of emergency when no notice is required) to enter his lot for the purpose of —
 - (i) inspecting the lot;
 - (ii) maintaining, repairing or renewing sewers, pipes, wires, cables and ducts used or capable of being used in connection with the enjoyment of any other lot or the common property;
 - (iii) maintaining, repairing or renewing the common property; or
 - (iv) executing any work or doing any act reasonably necessary for or in connection with the performance of its duties or the enforcement of these By-laws or other by-laws affecting the building;
- (b) forthwith carry out all work ordered by any competent public or statutory authority in respect of his lot other than such work for the benefit of the building generally and pay all assessments charges and outgoings which are payable in respect of his lot;
- (c) repair and maintain his lot and keep it in a state of good repair, reasonable wear and tear, and damage by fire, storm, tempest or act of God excepted;
- (d) use and enjoy the common property in such a manner as not to interfere unreasonably with the use and enjoyment thereof by other proprietors or their families or visitors;
- (e) not use his lot or permit it to be used in such a manner or for such a purpose as to cause a nuisance or danger to any other proprietor or the family of such proprietor;
- (f) not use his lot for any purpose contrary to the terms of user of the lot shown in the plan approved by the competent authority pursuant to section 9 of the Planning Act; and
- (g) notify the corporation forthwith of any change in the proprietorship of his lot or of any other dealing with his lot of which he is aware.

Cap. 232.

Common
property.

3. The corporation shall control, manage and administer the common property for the benefit of all the proprietors.

Provided that the corporation may by agreement with a particular proprietor grant him the exclusive use and enjoyment of part of the common property or special privileges in respect of the common property or part of it.

SECOND SCHEDULE — *continued*

4. The corporation may make an agreement with a particular proprietor for the provision of amenities or services by the corporation to or in respect of his lot. Provision of amenities or services.

5. The corporation shall — Functions of corporation.

- (a) maintain in a state of good and serviceable repair the fixtures and fittings (including lifts) existing on the parcel and used or capable of being used in connection with the enjoyment of more than one lot or the common property;
- (b) where practicable, the corporation shall establish and maintain suitable lawns and gardens on the common property.
- (c) maintain, repair and (where necessary) renew sewers, pipes, wires, cables and ducts existing on the parcel and used or capable of being used in connection with the enjoyment of more than one lot or the common property; and
- (d) on the written request of the proprietor or a registered mortgagee of his lot, the corporation shall produce to the proprietor or mortgagee, as the case may be, (or to a person authorised in writing by the proprietor or mortgagee) all policies of insurance effected by the corporation together with the receipts for the last premiums paid in respect of the policies.

PART II

6. A proprietor shall not — Prohibitions.

- (a) use his lot for any purpose (illegal or otherwise) which may be injurious to the reputation of the building;
- (b) use as fuel any substance or material which may give rise to smoke or fumes or obnoxious smells;
- (c) throw or allow to fall any refuse or rubbish of any description on the common property or any part thereof except in refuse bins maintained by the proprietor or in refuse chutes provided in the building; or
- (d) keep any animal on his lot or the common property which may cause annoyance to any other proprietor.