

# **BUILDING MAINTENANCE AND STRATA MANAGEMENT ACT 2004**

**(No. 47 of 2004)**

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An Act to repeal and re-enact with amendments the Buildings and Common Property (Maintenance and Management) Act (Chapter 30 of the 2000 Revised Edition) so as to provide for proper maintenance and management of buildings, and to make consequential amendments to the Land Titles (Strata) Act (Chapter 158 of the 1999 Revised Edition) and certain other written laws.

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

PART I  
PRELIMINARY

**Short title and commencement**

1. This Act may be cited as the Building Maintenance and Strata Management Act 2004 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Interpretation**

2.—(1) In this Act, unless the context otherwise requires —

“authorised proposal” means any proposed development in a staged development that the owner developer thereof will be authorised but cannot be compelled to carry out under the staged development contract for that staged development;

“Board” means any Strata Titles Board constituted under Part VI;

“building” includes part of a building;

“Building and Construction Authority” means the Building and Construction Authority established under section 3 of the Building and Construction Authority Act (Cap. 30A);

“by-law”, in relation to any parcel comprised in a strata title plan, means —

(a) any by-law prescribed by regulations under section 136;

(b) any by-law made by a management corporation under section 32 or 33 and in force in respect of that parcel;  
or

(c) any by-law made by a subsidiary management corporation under section 82 and in force in respect of any limited common property within that strata title plan;

“ceiling” does not include any false ceiling;

“Chief Surveyor” means the Chief Surveyor appointed under section 3 of the Boundaries and Survey Maps Act (Cap. 25);

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“Commissioner” means the Commissioner of Buildings appointed under section 3(1), and includes any other officer appointed under section 3(3) to exercise the powers or perform the duties imposed on the Commissioner;

“common expenses” means expenses —

- (a) relating to the common property and any movable property held by or on behalf of a management corporation;
- (b) relating to the limited common property and any movable property held by or on behalf of a subsidiary management corporation; or
- (c) required to meet any other purpose or obligation of a management corporation or subsidiary management corporation;

“common property”, subject to subsection (9), means —

- (a) in relation to any land and building comprised or to be comprised in a strata title plan, such part of the land and building —
  - (i) not comprised in any lot or proposed lot in that strata title plan; and
  - (ii) used or capable of being used or enjoyed by occupiers of 2 or more lots or proposed lots; or
- (b) in relation to any other land and building, such part of the land and building —
  - (i) not comprised in any non-strata lot; and
  - (ii) used or capable of being used or enjoyed by occupiers of 2 or more non-strata lots within that land or building;

“competent authority” means the competent authority appointed under section 5 of the Planning Act (Cap. 232) in respect of the development or sub-division of land;

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

“development” means any parcel on which any building is being or to be constructed;

“executive committee”, in relation to a subsidiary management corporation, means the executive committee of that subsidiary management corporation;

“exterior feature” has the same meaning as in the Building Control Act (Cap. 29);

“future development lot”, in relation to any staged development, means a lot or proposed lot or any other area reserved for future development in the staged development;

“immediate family member”, in relation to any person, means a spouse, child, adopted child, step-child, sibling or parent of that person;

“initial period”, in relation to a management corporation or subsidiary management corporation, means a period starting from the day on which the management corporation or subsidiary management corporation, as the case may be, is constituted (except pursuant to a comprehensive resolution under section 78(2)(b)) and ending —

(a) 12 months later; or

(b) on the day when the first annual general meeting of the management corporation or (as the case may be) subsidiary management corporation is held,

whichever first occurs;

“land” has the same meaning as in the Land Titles Act (Cap. 157);

“limited common property” means such part of the common property in a parcel that is —

(a) in the case of common property to be comprised in a strata title plan, designated in the sale and purchase agreement of any proposed lot in the parcel for the exclusive benefit of the purchasers of any 2 or more (but not all) of those proposed lots in the parcel; or

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- (b) in the case of common property comprised in a strata title plan, designated in the strata title plan or a comprehensive resolution referred to in section 78(2) for the exclusive benefit of the subsidiary proprietors of 2 or more (but not all) lots in that strata title plan,

but does not include —

- (i) the foundations, columns, beams, supports, walls, roofs of, and any window installed in any external wall of, any building within that parcel; and
- (ii) any chute, pipe, wire, cable, duct and other facility for the passage or provision of water, sewage, drainage, gas, oil, electricity, telephone, radio, television, garbage, heating and cooling systems, or other similar services, not comprised in any lot or proposed lot and necessary for the common use of the occupiers of all lots or proposed lots in that parcel;

“lot” means any stratum within a parcel comprised in a strata title plan and which —

- (a) 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
- (b) is shown as a lot on the strata title plan,

and includes a lot specified as an accessory lot on any such plan;

“maintenance fund”, in relation to a development, means any maintenance fund established under section 16(2) or (3) by the owner developer of the development for the common property or limited common property, as the case may be, of that development;

“management corporation”, in relation to any parcel comprised in a strata title plan, means the management corporation constituted in respect of that strata title plan under the Land Titles (Strata) Act (Cap. 158);

“managing agent” means a managing agent appointed under this Act;

“mediation” means a structured negotiation process in which the mediator, as a neutral and independent party, assists the parties to a dispute to achieve their own resolution of the dispute;

“non-strata lot” means any stratum that —

- (a) is within any land or building not comprised or not to be comprised in a strata title plan; and
- (b) is used or intended to be used as a complete and separate unit for the purpose of habitation or business or any other purpose;

“owner” includes an owner developer and —

- (a) in relation to a building, means the person for the time being receiving the rent of the building, whether on his own account or as agent or trustee or as receiver, or who would receive the same if the building were let to a tenant;
- (b) in relation to any common property or limited common property not comprised in a strata title plan, means the person receiving any rent or charge for the maintenance of that common property or limited common property, and includes every person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act (Cap. 254) as owner of that common property or limited common property; or
- (c) in relation to any common property or limited common property comprised in a strata title plan, means the management corporation or subsidiary management corporation, as the case may be, having control of the common property or limited common property;

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- “owner developer” means any person who, immediately before the constitution of a management corporation for any parcel comprised in a strata title plan, is registered as the proprietor of the parcel shown in the strata title plan, and includes any administrator, executor, mortgagee in possession, liquidator, successor in title or assign of such person;
- “parcel” means the whole of any land, building and common property comprised or to be comprised in a strata title plan;
- “person responsible”, in relation to an exterior feature, has the same meaning as in the Building Control Act (Cap. 29) except that in the case of any exterior feature that is within the common property of a Town established under the Town Councils Act (Cap. 329A), the person responsible for that exterior feature means the Town Council for that Town;
- “planning permission” has the same meaning as in the Planning Act (Cap. 232);
- “president” means the president or a deputy president of a Board, and includes an acting president;
- “proposed lot” means any stratum in a development on a parcel to be comprised in a strata title plan and which —
- (a) is intended to be used as a complete and separate unit for the purpose of habitation or business or for any other purpose; and
  - (b) is to be shown as a lot on the strata title plan for that development;
- “purchaser” means a person, other than an owner developer, who enters into an agreement to purchase a lot or proposed lot but to whom the lot or proposed lot has not been conveyed or assigned;
- “registrar” means the registrar of the Strata Titles Boards;
- “Registrar of Titles” means the Registrar of Titles appointed under the Land Titles Act (Cap. 157);
- “relevant authority” means any one or more Government or statutory authorities empowered under any written law to

approve plans for development or subdivision of any land or plans relating to the construction of any building, and includes the competent authority;

“repealed Act” means the Buildings and Common Property (Maintenance and Management) Act (Cap. 30) repealed by this Act;

“schedule of strata units”, in relation to any parcel, means the schedule of strata units showing the share values for each lot or proposed lot in that parcel, and includes any amended schedule of strata units;

“share value”, in respect of a lot or proposed lot, means the share value of that lot or proposed lot as shown in the schedule of strata units;

“staged development” means any development of a parcel comprised or to be comprised in a strata title plan consisting of —

- (a) the progressive improvement of the parcel in stages by the construction of buildings or the carrying out of works (or both) on a lot, proposed lot or future development lot therein or such lots therein; and
- (b) the subsequent subdivision under any written law of each future development lot therein and the consequential adjustments of share values of lots or proposed lots within that strata title plan;

“staged development contract” means a staged development contract within the meaning of this Act, the Housing Developers (Control and Licensing) Act (Cap. 130) or the Sale of Commercial Properties Act (Cap. 281);

“strata roll”, in relation to any subdivided building shown on a strata title plan, means the roll referred to in section 46 which relates to that plan;

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

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- “strata title plan” has the same meaning as in the Land Titles (Strata) Act (Cap. 158);
- “stratum” means any part of land which consists 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 management corporation”, in relation to any limited common property comprised in a strata title plan, means the subsidiary management corporation constituted for that limited common property under the Land Titles (Strata) Act (Cap. 158);
- “subsidiary proprietor” has the same meaning as in the Land Titles (Strata) Act;
- “temporary occupation permit” means a temporary occupation permit granted by the Commissioner of Building Control under the Building Control Act (Cap. 29);
- “wall” includes a door, window or other structure forming part of the wall;
- “warranted development” means any proposed development in a staged development that the owner developer thereof warrants will be carried out and may be compelled to carry out under the staged development contract for that staged development;
- “window” includes a roof skylight, glass panel, glass brick, louvre, glazed sash, glazed door, translucent sheeting and any other building material which transmits natural light directly from outside a building into a room of or interior of the building.
- (2) For any management corporation or subsidiary management corporation, a motion is decided by ordinary resolution if —

- (a) the motion is passed at a duly convened general meeting of such corporation of which at least 14 days' notice specifying the motion has been given; and
  - (b) the votes cast by subsidiary proprietors who are entitled to vote and are present (in person or proxy) at the time the vote is taken are as follows:
    - (i) if no poll is taken — the number of valid votes counted for the motion are more than the valid votes counted against the motion; or
    - (ii) on a poll — the total of the share value of the lots for which valid votes are counted for the motion is more than the total of the share value of the lots for which valid votes are counted against the motion.
- (3) For any management corporation or subsidiary management corporation, a motion is decided by special resolution if —
- (a) the motion is passed at a duly convened general meeting of such corporation of which at least 21 days' notice specifying the motion has been given; and
  - (b) on a poll, the total of the share value of the lots for which valid votes are counted for the motion is at least 75% of the aggregate share value of the lots for which all valid votes are cast by subsidiary proprietors who are present (in person or proxy) at the time the vote is taken.
- (4) For any management corporation or subsidiary management corporation, a motion is decided by unanimous resolution if the motion —
- (a) is passed at a duly convened general meeting of such corporation of which at least 21 days' notice specifying the motion has been given; and
  - (b) is supported by every valid vote cast by subsidiary proprietors who are present (in person or proxy) at the time the vote is taken.
- (5) For any management corporation or subsidiary management corporation, a motion is decided by 90% resolution if —

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- (a) the motion is passed at a duly convened general meeting of such corporation of which at least 21 days' notice specifying the motion has been given; and
- (b) on a poll, the total of the share value of the lots for which valid votes are counted for the motion is at least 90% of the aggregate share value of the lots for which all valid votes are cast by subsidiary proprietors who are present (in person or proxy) at the time the vote is taken.
- (6) For any management corporation or subsidiary management corporation, a motion is decided by comprehensive resolution if —
- (a) the motion is considered at a duly convened general meeting of such corporation of which at least 21 days' notice specifying the motion has been given; and
- (b) at the end of a period of 12 weeks after the general meeting in paragraph (a) is convened, on a poll, the total of the share value of the lots for which valid votes are counted for the motion is at least 90% of the aggregate share value of the lots of all the subsidiary proprietors who, at the end of that period, constitute the management corporation or subsidiary management corporation, as the case may be.
- (7) For any management corporation or subsidiary management corporation, a motion is decided by resolution by consensus if —
- (a) the motion is considered at a duly convened general meeting of such corporation of which at least 21 days' notice specifying the motion has been given; and
- (b) at the end of a period of 12 weeks after the general meeting in paragraph (a) is convened, all the subsidiary proprietors who, at the end of that period, constitute the management corporation or subsidiary management corporation, as the case may be, support the motion in writing.
- (8) For the purposes of subsections (2) to (6), a valid vote, in relation to any motion to be decided by any resolution referred to in any of those subsections, means a vote cast by a subsidiary proprietor entitled to vote, other than a vote which is —

- (a) given both for and against the motion;
  - (b) unmarked; or
  - (c) void for uncertainty.
- (9) For the purposes of this Act —
- (a) all windows of a lot, proposed lot or non-strata lot that are located on any exterior wall of the lot, proposed lot or (as the case may be) non-strata lot, being either louvres, casement windows, sliding windows or windows with any movable part, shall be part of the lot, proposed lot or (as the case may be) non-strata lot and not common property; and
  - (b) all other windows of a lot, proposed lot or non-strata lot that are located on any exterior wall of the lot, proposed lot or (as the case may be) non-strata lot shall be common property, unless otherwise described in a strata title plan.

## PART II

### APPOINTMENT OF OFFICERS

#### **Appointment of Commissioner of Buildings and other officers**

3.—(1) The Minister may appoint any person to be the Commissioner of Buildings.

(2) The Commissioner shall, subject to any general or special directions of the Minister, have charge of the administration of this Act and may perform such other duties as are imposed and may exercise such powers as are conferred upon him by this Act or any other written law.

(3) The Commissioner may appoint, by name or office, from among —

- (a) public officers; or
- (b) persons in the employment of the Building and Construction Authority or such other public authority constituted by any written law as the Minister may approve for the purpose,

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such number of officers as the Commissioner considers necessary for the purpose of assisting him in administering and carrying out the provisions of this Act or any other written law.

(4) Any powers conferred on and duties to be performed by the Commissioner under this Act or any other written law may, subject to any general or special directions of the Commissioner, be exercised or performed by any officer appointed under subsection (3).

(5) Every officer appointed under subsection (3) shall be subject to the general supervision of the Commissioner.

### **Commissioner and officers deemed to be public servants**

4. The Commissioner and every officer appointed under section 3(3) shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

## PART III

### MAINTENANCE OF BUILDINGS

#### **Application of this Part**

5.—(1) Subject to section 134, this Part shall apply to any building (subdivided or otherwise) and any common property and limited common property situated in Singapore.

(2) Subject to section 134, this Part shall also apply to all exterior features on any building except —

- (a) exterior features on any detached house, semi-detached house, terrace house or linked house, none of which are comprised in any strata title plan; and
- (b) exterior features located on the lowest level of any building.

#### **Commissioner may require building owner, etc., to carry out repairs, etc.**

6.—(1) Where, in the opinion of the Commissioner —

- (a) any building or any common property or limited common property (whether or not an exterior feature) has not been

kept or maintained in a state of good and serviceable repair or in a proper and clean condition; or

- (b) any exterior feature of a building has not been kept or maintained in such manner as to be securely fixed to the building and as will prevent any collapse of such exterior feature or its support,

the Commissioner may, by notice in writing, require such repairs, work or alteration to the building, exterior feature, common property or limited common property, as the case may be, as he thinks fit to be carried out.

(2) A notice under subsection (1) shall specify —

- (a) the manner in which the repairs, work or alteration specified in the notice is to be carried out;
- (b) the time within which the repairs, work or alteration shall commence;
- (c) the time within which the repairs, work or alteration shall be completed; and
- (d) that the repairs, work or alteration shall be carried out with due diligence to the satisfaction of the Commissioner.

(3) A notice under subsection (1) shall be made in respect of any building or any exterior feature thereof, any common property or limited common property, and shall be served —

- (a) on the owner of the building, common property or limited common property, as the case may be, or the person responsible for that exterior feature; or
- (b) where that owner is not known or cannot be found by reasonable inquiry, on every occupier of the building or, in the case of any common property or limited common property, on the persons —
  - (i) on whose behalf the common property is or is to be managed; or
  - (ii) for whose exclusive benefit the limited common property is designated,

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as the case may be.

(4) If a notice under subsection (1) is not complied with to his satisfaction, the Commissioner may —

- (a) carry out or cause to be carried out all or any of the repairs, work or alteration specified in that notice; and
- (b) recover all expenses reasonably incurred by him in the exercise of his powers under this section from the person in default.

(5) Without prejudice to the right of the Commissioner to exercise the powers under subsection (4), if any person on whom a notice under subsection (1) is served fails, without reasonable excuse, to comply with the requirements of that notice, that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$25 for every day or part thereof during which the offence continues after conviction.

#### **Deposit by building owner, etc.**

7.—(1) Without prejudice to section 6(4), where a notice under section 6(1) is not complied with to his satisfaction, the Commissioner may issue a direction to the person on whom the notice was served to deposit such amount with the Commissioner as he considers necessary for the purpose of executing the repairs, work and alteration specified in that notice, and that amount shall be deposited with the Commissioner within such period, not being less than 7 days from the service of the direction, as the Commissioner may specify.

(2) The amount of any deposit which is due to the Commissioner under subsection (1) may be sued for as a debt due to the Government.

(3) The Commissioner may refund the deposit or any part thereof, after deducting any costs and expenses incurred by him, if the repairs, work and alteration required to be executed by the notice under section 6(1) have been executed to his satisfaction.

**Appeal against notice to repair**

8.—(1) Any person on whom a notice under section 6(1) is served may, within 21 days after the date of receipt of the notice, appeal in writing to the Minister against the notice in the prescribed manner.

(2) Notwithstanding that an appeal is lodged under subsection (1), the notice appealed against shall take effect and be complied with unless otherwise ordered by the Minister.

(3) The Minister may determine an appeal under this section by confirming, varying or cancelling the notice of the Commissioner under section 6(1).

(4) The decision of the Minister in any appeal under this section shall be final.

**Unsafe exterior feature**

9.—(1) Any person responsible for an exterior feature of a building who, without reasonable excuse, fails to keep or maintain the exterior feature in such manner as to be securely fixed to the building and as will prevent any collapse, partly or wholly, of such exterior feature or its support shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) In any proceedings for an offence under this section, it shall be presumed, in the absence of proof to the contrary, that the person responsible for an exterior feature of a building has failed to maintain the exterior feature in such manner as to be securely fixed to the building and as will prevent any collapse, partly or wholly, of such exterior feature or its support, if it is proved —

- (a) that the exterior feature or part thereof has collapsed or fallen; and
- (b) that there is damage to, deterioration or other disrepair of the exterior feature or its support not caused by accident or acts of nature, including but not limited to fire, explosion, windstorm, hail, lightning, falling trees, aircraft, vehicles, flood, earthquake or landslide.

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(3) If a person is charged with an offence under subsection (1), it shall be a defence for him to prove that there is a defect in any part, or the whole, of such exterior feature or its support caused by materials or work supplied by anyone other than the person responsible.

#### PART IV

#### DEALINGS IN STRATA SUBDIVIDED BUILDINGS

##### **Application of this Part and meaning of “sale”**

**10.**—(1) This Part shall apply only to any development (including any staged development) for which planning permission is granted (whether before, on or after the date of commencement of this Part) for strata subdivision after completion of any building comprised in the development.

(2) For the purposes of this Part and Part V, an owner developer shall be deemed to have sold a lot or proposed lot in his development if —

- (a) by an agreement in writing, conditional or otherwise (but not an agreement referred to in section 13), he has agreed to convey, transfer, assign or otherwise dispose of his estate or interest in the lot or proposed lot to another person for valuable consideration or otherwise; or
- (b) by any deed or instrument (but not a deed or an instrument referred to in section 13), he has conveyed, transferred, assigned or otherwise disposed of his estate or interest in the lot or proposed lot.

##### **Schedule of strata units must be accepted by Commissioner before sale can start**

**11.**—(1) The owner developer of a development (including any staged development) shall not sell any lot or proposed lot in the development with a share value unless a schedule of strata units or an amended schedule of strata units, as the case may be, showing that share value of the lot or proposed lot has been filed with and accepted by the Commissioner under this section.

(2) *Where a schedule of strata units has been filed and accepted by the Commissioner in respect of any staged development, the owner developer of the staged development shall also not sell any lot or proposed lot in any stage of the staged development subsequent to the initial stage unless he files an amended schedule of strata units under section 12 showing —*

- (a) the adjusted share value of each lot or proposed lot comprised in the first stage and any preceding stage of the staged development of the parcel; and*
- (b) the proposed share value to be allotted to each lot or proposed lot comprised in that subsequent stage of the staged development,*

*and the Commissioner accepts that amended schedule of strata units under this section.*

(3) Every schedule of strata units and amended schedule of strata units shall be filed with the Commissioner in the prescribed form and manner and be accompanied by the prescribed fee.

(4) *In the case of a staged development, the schedule of strata units to be filed with the Commissioner shall also include —*

- (a) the proposed share value of each lot or proposed lot comprised in the first stage of the staged development;*
- (b) the range of aggregate provisional share values for all future development lots in each subsequent stage of the staged development;*
- (c) a description of the parcel, identifying the future development lots therein, and so much of the proposed development that is warranted development and so much (if any) of the proposed development that is an authorised proposal; and*
- (d) the proposed staged development contract subject to which the staged development shall be carried out.*

(5) The Commissioner may accept a schedule of strata units filed under this section, or an amended schedule of strata units filed under section 12, if and only if he is satisfied that the proposed share values

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or range of proposed share values allotted to all the lots or proposed lots in the schedule of strata units or the amended schedule of strata units, as the case may be, are allocated in a just and equitable manner.

(6) *Without prejudice to subsection (5), in the case of a staged development, the Commissioner may accept an amended schedule of strata units filed under section 12 in respect of or on account of any subsequent stage of a staged development if and only if —*

- (a) *the aggregate share values of all lots or proposed lots comprised in the first and any preceding stage of the staged development; plus*
- (b) *the total of the proposed share values to be allotted to all lots or proposed lots in that subsequent stage of the staged development,*

*is not more or less than the aggregate of share values (including the range of provisional share values referred to in subsection (4)(b)) accepted by the Commissioner under this section.*

(7) Within 6 weeks after any schedule of strata units or amended schedule of strata units for a development is filed with the Commissioner, the Commissioner shall either —

- (a) notify the owner developer concerned in writing of his acceptance of that schedule; or
- (b) notify the owner developer concerned that he rejects that schedule, stating his reasons for objecting to the allocation of share values therein.

(8) Every contract for the sale of any lot or proposed lot in a development shall be deemed to include a term that the owner developer of the development has agreed to sell an undivided share in the land on which the lot or proposed lot is or is to be erected with a value or, in the case of a lot or proposed lot in a staged development, within a range of share values, determined in accordance with the proposed share values or proposed range of share values, as the case may be, assigned to each lot or proposed lot shown in the schedule of strata units or amended schedule of strata units, as the case may be, for the development last accepted by the Commissioner before the execution of that contract.

**Schedule of strata units not to be changed once accepted**

12.—(1) Where a schedule of strata units for a development has been filed and accepted by the Commissioner under section 11, the owner developer of the development shall not make any change to any share value in the schedule of strata units, the area of any lot or proposed lot in the development or any part of the common property or limited common property, if any, of the development unless he has filed an amended schedule of strata units with the Commissioner and the Commissioner accepts that amended schedule of strata units.

(2) *Where a schedule of strata units has been filed and accepted by the Commissioner in respect of any staged development, the owner developer of the staged development shall not make any change to the share value of any lot or proposed lot in any stage of the staged development unless he files with the Commissioner an amended schedule of strata units showing —*

- (a) *the adjusted share value (if any) of each lot or proposed lot comprised in the first and any preceding stage of the staged development; and*
- (b) *the proposed share value to be allotted to each lot or proposed lot comprised in that stage of the staged development,*

*and the Commissioner accepts that amended schedule of strata units under section 11.*

(3) Subsections (1) and (2) shall apply even where the owner developer of the development —

- (a) *intends to change the area of any lot or proposed lot within the development which has not been sold and such change does not result in a different aggregate share value for the development;*
- (b) *intends to effect a minor adjustment to the share value assigned to any lot or proposed lot within the development that has been sold, being an adjustment necessitated by an increase or shortfall in the area of the lot or proposed lot after it has been surveyed on its completion; or*

- (c) intends otherwise to change the share value assigned to any lot or proposed lot within the development with the consent of the purchaser of that lot or proposed lot.

(4) Without prejudice to subsections (1), (2) and (3), where a schedule of strata units for a development has been filed and accepted by the Commissioner under section 11, the share value assigned to any lot or proposed lot in the development in that schedule of strata units may be altered —

- (a) before the lot or proposed lot is sold if and only if such alteration does not result in a different aggregate share value (including the range of provisional share values referred to in section 11(4)(b), if any) for the development;
- (b) after the lot or proposed lot is sold only with the consent of the purchaser thereof, unless the alteration to the share value is a minor adjustment necessitated by an increase or shortfall in the area of the lot or proposed lot after it has been surveyed on its completion, or the alteration is within the range of share values accepted by the Commissioner under section 11.

### **Exceptions to section 11 prohibition**

**13.—**(1) Section 11(1) and (2) shall not apply —

- (a) to any agreement, deed or instrument that conveys, transfers, assigns or otherwise disposes of a leasehold interest not exceeding 21 years without an option to renew or purchase; and
- (b) to any agreement between any purchaser under a collective sale contract of any land and any other party to that collective sale contract whereby the purchaser disposes of any proposed lot to be comprised in a re-development of the land to that other party before the legal completion of the collective sale of the land.

(2) In subsection (1)(b), “collective sale contract” means —

- (a) any sale and purchase agreement referred to in section 84A, 84D, 84E or 84F of the Land Titles (Strata) Act (Cap. 158);

- (b) any sale and purchase agreement whereby the owners of all the lots in a development agree to sell all their lots to a purchaser; or
- (c) any sale and purchase agreement whereby the owner of any land agrees to sell the land to a purchaser either by itself or together with the owners of any adjacent land.

### **Offences**

**14.** Any person who contravenes section 11(1) or (2) or 12(1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

## **PART V**

### **MANAGEMENT OF STRATA SUBDIVIDED BUILDINGS**

#### *Division 1 — Management by owner developer before management corporation constituted*

#### **Application of this Division**

**15.—**(1) Subject to subsection (2) and section 134, this Division shall apply only to any development of land —

- (a) for which planning permission is granted (whether before, on or after the date of commencement of this Division) for strata subdivision after completion of any building thereon; and
- (b) on which more than 4 lots or proposed lots are or are to be constructed.

(2) This Division shall apply to a development referred to in subsection (1) when 2 or more lots or proposed lots in the development are sold to more than one purchaser.

#### **Developer to establish maintenance funds**

**16.—**(1) The owner developer of a development to which this Division applies shall establish one or more maintenance funds in accordance with this section at any time on or after —

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- (a) the date the first temporary occupation permit is issued in respect of any lot or proposed lot in the development or, in the case of a staged development, the date the first temporary occupation permit is issued in respect of any lot or proposed lot comprised in the initial stage of the staged development on completion thereof; or
  - (b) such subsequent date when this Division applies to the development,

whichever is the later, but in every case before the collection of maintenance charges from any purchaser of any lot or proposed lot in the development starts.

(2) The owner developer of every such development shall establish a general maintenance fund, which shall be used for the following purposes only:

- (a) to pay for the expenses incurred on or after the establishment of the general maintenance fund in providing —
  - (i) cleaning services for the common property;
  - (ii) security services and amenities for the occupiers of the lots or proposed lots in that development; and
  - (iii) such other services necessary for maintaining the common property in a state of good repair;
- (b) to maintain, repair and renew fixtures and fittings (including lifts) in that development, not being fixtures and fittings installed in a lot or proposed lot sold or intended for sale to a purchaser;
- (c) to maintain, repair and renew sewers, pipes, wires, cables and ducts used or capable of being used in connection with the enjoyment of 2 or more lots or proposed lots in, or the common property of, that development;
- (d) to pay any premium for the insurance of that development against damage by fire and other risks;
- (e) to pay rent and rates, if any;

- (f) to pay any fee for the auditing of the maintenance fund; and
- (g) to pay all charges reasonably incurred for the administration of the maintenance fund and the common property of that development.

(3) Where any such development comprises any limited common property, the owner developer shall, in addition, establish a separate special maintenance fund, which shall be used for the following purposes only:

- (a) to pay for the expenses incurred on or after the establishment of the special maintenance fund in providing —
  - (i) cleaning services for that limited common property;
  - (ii) security services and amenities for the occupiers of the lots or proposed lots in that development for whose exclusive benefit that limited common property has been designated under the sale and purchase agreement with the owner developer; and
  - (iii) such other services necessary for maintaining that limited common property in a state of good repair;
- (b) to maintain, repair and renew fixtures and fittings (including lifts) in that development comprised within that limited common property, not being fixtures and fittings installed in a lot or proposed lot sold or intended for sale to a purchaser;
- (c) to maintain, repair and renew sewers, pipes, wires, cables and ducts used or capable of being used in connection with the enjoyment —
  - (i) of that limited common property; or
  - (ii) of 2 or more lots or proposed lots in that development for whose exclusive benefit that limited common property has been designated under the sale and purchase agreement with the owner developer;
- (d) to pay rent and rates, if any, connected with the limited common property;

- (e) to pay any fee for the auditing of the special maintenance fund; and
- (f) to pay all charges reasonably incurred for the administration of the special maintenance fund and the limited common property of that development.

(4) Any owner developer who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

### **Duties of owner developer as regards maintenance funds**

17.—(1) Subject to subsection (2), the owner developer of the development shall —

- (a) in respect of every lot or proposed lot in the development sold —
  - (i) pay into the relevant maintenance fund an amount equal to the amount of maintenance charges which would have been payable by the purchaser until such maintenance charges are due and payable; and
  - (ii) collect all maintenance charges due and payable from the purchaser of every lot or proposed lot in that development and pay all such maintenance charges into the relevant maintenance fund established under section 16 for that development;
- (b) in respect of every lot or proposed lot in the development not yet sold, pay into the relevant maintenance fund an amount equal to the amount of maintenance charges which would have been payable by a purchaser of such lot or proposed lot if sold; and
- (c) pay all income derived from the common property and limited common property, if any, of that development into the relevant maintenance fund for that development.

(2) The owner developer shall pay the maintenance charges referred to in subsection (1)(a) or (b) into the relevant maintenance fund —

- (a) where the lot or proposed lot is sold before a temporary occupation permit is issued in respect of the lot or proposed lot, within a period of 3 months after the temporary occupation permit is issued in respect of the lot or proposed lot; and
  - (b) where the lot or proposed lot is sold on or after such a permit is issued, before the date of expiration of the period referred to in paragraph (a) or from the date the maintenance fund is established under section 16(2) or (3), whichever is the earlier.
- (3) All moneys in any maintenance fund for a development shall be held by the owner developer of the development on trust —
  - (a) in the case of a general maintenance fund established under section 16(2), for all the purchasers of lots or proposed lots in that development; and
  - (b) in the case of a special maintenance fund established under section 16(3) in respect of any limited common property, for all the purchasers of such lots or proposed lots in that development for whose exclusive benefit that limited common property has been designated under their sale and purchase agreements with the owner developer.
- (4) The moneys in any maintenance fund established under section 16 shall be deposited only with a bank which is licensed under the Banking Act (Cap. 19), and shall not be invested.
- (5) The owner developer of a development shall —
  - (a) cause proper books of accounts to be kept in respect of all sums of money received for and all payments out of every maintenance fund established under section 16 for the development, specifying the matters in relation to which the receipts and expenditure take place;
  - (b) appoint an auditor to audit every such maintenance fund annually;

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- (c) cause the accounts of every such maintenance fund to be audited within 4 months after the management corporation for that development is constituted;
  - (d) file with the Commissioner a certified true copy of the audited accounts within 28 days after the accounts of every such maintenance fund have been audited;
  - (e) permit the Commissioner, or any person authorised by him to act on his behalf, at all reasonable times full and free access to the accounts and other records of every maintenance fund and permit the Commissioner or the authorised person to make copies of or make extracts from those accounts or other records; and
  - (f) furnish a certified true copy of the accounts of every maintenance fund to the Commissioner at such intervals as may be required by the Commissioner.
- (6) Without prejudice to subsection (5), the owner developer of a development shall also —
- (a) within 28 days after the accounts of every such maintenance fund have been audited, make available for a period of 2 weeks such accounts for inspection by any purchaser of any lot or proposed lot in the development or his agent without payment of any fee; and
  - (b) at any other time, permit the purchaser of any lot or proposed lot in the development or his agent to inspect the accounts and other records of any such maintenance fund, and to make copies of or make extracts from those accounts or other records, at such time and place as may be agreed between the parties and after payment of a prescribed fee.
- (7) The owner developer of a development shall maintain a register (referred to in this Act as the register of purchasers) in such form as the Commissioner may require, containing the following particulars in respect of the lots or proposed lots in the development:
- (a) the share value assigned or to be assigned to each lot or proposed lot shown in the schedule of strata units or (as the

case may be) amended schedule of strata units filed with the Commissioner under section 11;

- (b) the floor area of each lot or proposed lot;
- (c) if the development comprises limited common property, the lots or proposed lots for whose exclusive benefit that limited common property has been designated;
- (d) the name, address and other identification particulars of the purchaser of each lot or proposed lot and, if the purchaser is not a resident of Singapore, an address in Singapore to which notices may be served on the purchaser; and
- (e) the name and address of the solicitors acting for the purchaser of the lot or proposed lot in the sale and purchase of each lot or proposed lot, as the case may be.

(8) The owner developer of a development shall, within 14 days of a request being made by the Commissioner, forward to the Commissioner a true copy of the register of purchasers for that development.

(9) Any owner developer who contravenes subsection (1) read with subsection (2), or subsection (4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

(10) Any owner developer who contravenes subsection (6), (7) or (8) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

### **No collection of maintenance charges without Commissioner's approval**

**18.—**(1) No owner developer of a development shall collect any charges for the management and maintenance of the development or any common property or limited common property comprised in the development from the purchasers of any lot or proposed lot comprised

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in such development except with the prior written approval of the Commissioner.

(2) Any owner developer who contravenes subsection (1) shall be guilty of an offence.

(3) For the avoidance of doubt, this section shall not prevent any management corporation or subsidiary management corporation from collecting contributions under this Part.

### **Commissioner may appoint managing agent for development**

**19.**—(1) If the Commissioner is satisfied that, after due inquiry by him or a person appointed by him, the management and maintenance of a development or part thereof is not carried out satisfactorily by the owner developer thereof, the Commissioner may, by order published in the *Gazette*, appoint one or more persons as a managing agent to manage and maintain —

- (a) where the development has no limited common property — the development; or
- (b) where the development has limited common property — the common property or the limited common property of the development or both.

(2) A managing agent appointed by the Commissioner under subsection (1) shall be entitled to such remuneration or fees as may be determined by the Commissioner and such remuneration or fees shall be charged —

- (a) in the case of a managing agent appointed in respect of the development under subsection (1)(a) or the common property of the development under subsection (1)(b), the general maintenance fund referred to in section 16(2); or
- (b) in the case of a managing agent appointed in respect of the limited common property under subsection (1)(b), the special maintenance fund referred to in section 16(3).

(3) The Commissioner shall not exercise his powers under this section unless he has given not less than 14 days' notice in writing to the owner developer concerned, specifying his intention to appoint a managing agent under subsection (1) and to consider the

representations (if any) made by the owner developer within 14 days of the date of service of the notice.

(4) Any owner developer who is aggrieved by an order made by the Commissioner under subsection (1) in respect of his development may, at any time within 21 days after the date of publication of that order in the *Gazette*, appeal in writing to the Minister.

(5) Notwithstanding that an appeal has been made under subsection (4) against an order made by the Commissioner under subsection (1), that order shall have effect unless otherwise ordered by the Minister.

(6) The Minister may determine an appeal under this section by confirming, varying or cancelling the Commissioner's order under subsection (1).

(7) The decision of the Minister in any appeal under subsection (4) shall be final.

(8) The Commissioner may at any time revoke any appointment made under subsection (1) for any development and appoint another person as managing agent for the development.

### **Powers and duties of managing agent appointed by Commissioner**

**20.**—(1) Where a managing agent has been appointed by the Commissioner under section 19(1), the managing agent shall have control over the moneys in the relevant maintenance fund of the development, but shall have no power to invest such moneys.

(2) Once a managing agent has been appointed under section 19(1) for a development, no moneys shall be paid out of the relevant maintenance fund of that development except on the authority of the managing agent.

(3) Subject to the general control and direction of the Commissioner, a managing agent appointed under section 19(1) shall have all the powers and duties of the owner developer as regards the management and maintenance of the common property or (as the case may be) limited common property of that development.

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(4) Without prejudice to the generality of subsection (3), a managing agent appointed by the Commissioner under section 19(1) in respect of a development shall have the power —

- (a) to manage the relevant maintenance fund of the development;
- (b) to issue any written demand in the name of the owner developer to the purchasers of lots or proposed lots in the development for the payment of maintenance charges due from them;
- (c) to receive all charges payable to the owner developer by purchasers of lots or proposed lots in the development for the maintenance of the common property or (as the case may be) the limited common property of the development, and to give a valid discharge therefor;
- (d) to receive all charges payable by the owner developer to the relevant maintenance fund in respect of those lots or proposed lots which have not been sold and for which temporary occupation permits have been issued;
- (e) to institute proceedings in the name of the owner developer to recover maintenance charges payable by the purchasers of the lots or proposed lots in the development; and
- (f) to bring any action in his own name to recover moneys due to the relevant maintenance fund from the owner developer or any other person.

(5) It shall be the duty of a managing agent appointed by the Commissioner to pay all moneys received by him in his capacity as managing agent for a development into the relevant maintenance fund of that development.

(6) As soon as practicable after his appointment by the Commissioner, but in any case not later than 2 months after his appointment, a managing agent shall prepare and submit to the Commissioner a statement showing as at the date of his appointment —

- (a) the moneys standing to the credit of every maintenance fund of the development;
- (b) the amounts due and owing by the purchasers of the lots or proposed lots in the development as charges payable for the maintenance of the common property and any limited common property, if any, of the development;
- (c) any income derived from the common property and limited common property, if any, of the development which are due to be paid to the relevant maintenance fund; and
- (d) any expenditure incurred for the maintenance for the development which is authorised by section 16(2) or (3), as the case may be, to be paid out of the relevant maintenance fund and which remains unpaid.

(7) Any person appointed by the Commissioner as a managing agent for a development shall not act as a managing agent unless he has lodged with the Commissioner a bond in the form approved by the Commissioner and for the prescribed amount given by a bank, a finance company or an insurer and which binds the bank, finance company or insurer to make good any loss caused by the managing agent as a result of his failure to duly account to the purchasers of a development for moneys received or held by him.

(8) A managing agent who contravenes subsection (5) or (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

**Owner developer not to be relieved of his obligations to carry out repairs, etc.**

**21.** The appointment under section 19(1) of any managing agent to manage the maintenance fund or funds of a development shall not relieve the owner developer of that development of any of his obligations under this Act or any other law —

- (a) towards the purchasers of the lots or proposed lots in the development to carry out repairs to the common property and limited common property, if any, of the development, or to make good any defect in the common property or

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limited common property, as the case may be, of the development;

- (b) to carry out repairs and varied and additional works to ensure that the development is constructed in accordance with the specifications and plans approved by the Commissioner of Building Control; and
- (c) to carry out repairs and varied and additional works to comply with the requirements of any relevant authority prior to the issue of the certificate of statutory completion for the development.

### **Failure by purchaser to pay maintenance charges**

**22.**—(1) Where any charges payable by the purchaser of a lot or proposed lot in a development under the sale and purchase contract for the maintenance of the common property or limited common property, as the case may be, of the development remain unpaid at the end of a period of 28 days after service of a written demand by the owner developer, the charges outstanding and any interest accrued thereon shall constitute a debt owing to the owner developer, and may be recovered by the owner developer —

- (a) in any court of competent jurisdiction; or
- (b) in the Small Claims Tribunal as if the charges and interest are moneys payable under a contract for the provision of services.

(2) For the purposes of this section, a written demand sent by an owner developer to a purchaser shall be deemed to have been served on the purchaser of a lot or proposed lot (whether it is actually received or not) if it is sent by registered post to the purchaser at his last known address.

(3) Where a managing agent has been appointed by the Commissioner under section 19(1) to manage and maintain a development, a notice sent by the managing agent shall be deemed to have been sent by the owner developer of that development.

**Owner developer's duties on constitution of management corporation**

**23.—**(1) When a management corporation is constituted for any development, the owner developer of the development shall —

- (a) immediately open a bank account in the name of the management corporation and pay into that account all balances of moneys in the general maintenance fund established under section 16(2) for the maintenance of the subdivided building and the common property of that development;
- (b) cause to be prepared such accounts and other records as will sufficiently explain the transactions and financial position of the management corporation and enable true and fair profit and loss accounts and balance-sheets and any document required to be attached thereto to be prepared for the period starting from the date the management corporation is constituted for the development and ending on a date not earlier than 4 months before the first annual general meeting of the management corporation; and
- (c) cause the records referred to in paragraph (b) to be kept in such manner as to enable them to be conveniently and properly audited.

(2) When a subsidiary management corporation is constituted for any development by the owner developer thereof, the owner developer shall also —

- (a) immediately open a bank account in the name of the subsidiary management corporation and pay into that account all balances of moneys in the special maintenance fund established under section 16(3) for the maintenance of the limited common property of that development;
- (b) cause to be prepared such accounts and other records as will sufficiently explain the transactions and financial position of the subsidiary management corporation and enable true and fair profit and loss accounts and balance-sheets and any

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document required to be attached thereto to be prepared for the period starting from the date the subsidiary management corporation is constituted for the development and ending on a date not earlier than 4 months before the first annual general meeting of the subsidiary management corporation; and

- (c) cause the records referred to in paragraph (b) to be kept in such manner as to enable them to be conveniently and properly audited.

(3) An owner developer of a development shall exercise and perform the duties of —

- (a) the council of a management corporation; and
- (b) where the development comprises any limited common property, the executive committee of the subsidiary management corporation,

from the time the management corporation or (as the case may be) subsidiary management corporation is constituted until a council of the management corporation or an executive committee of the subsidiary management corporation is elected at the first annual general meeting of the management corporation or subsidiary management corporation, as the case may be.

(4) Within one week after the first annual general meeting of the management corporation or (as the case may be) subsidiary management corporation, the owner developer shall —

- (a) transfer control of the management corporation's or (as the case may be) subsidiary management corporation's money to its newly elected council or executive committee; and
- (b) deliver to that newly elected council or executive committee all keys and other means of access that the owner developer possesses for the purposes of exercising the powers and performing the duties of the council or executive committee, as the case may be.

(5) For a period of 2 years following the transfer of control under subsection (4)(a), the owner developer shall —

- (a) keep all financial records that relate to the management corporation's and (if any) subsidiary management corporation's finances during the period before the transfer of control;
- (b) at the request of the management corporation or subsidiary management corporation, make any of the records referred to in paragraph (a) available for inspection free of charge by the management corporation or subsidiary management corporation, as the case may be; and
- (c) allow the management corporation or subsidiary management corporation, as the case may be, to copy or audit those records at its own expense.

(6) Before the first annual general meeting of a management corporation, the owner developer shall appoint the auditor of the management corporation, and any auditor so appointed shall hold office until the conclusion of the first annual general meeting of the management corporation.

(7) Before the first annual general meeting of a subsidiary management corporation after it is constituted (other than pursuant to a comprehensive resolution), the owner developer shall appoint the auditor of the subsidiary management corporation, and any auditor so appointed shall hold office until the conclusion of the first annual general meeting of the subsidiary management corporation.

*Division 2 — Management corporations and common property*

**Constitution of management corporation**

**24.—**(1) The management corporation constituted by virtue of the Land Titles (Strata) Act (Cap. 158) in respect of a strata title plan shall —

- (a) comprise the subsidiary proprietors from time to time of all lots comprised in that strata title plan;
- (b) be a body corporate capable of suing and being sued and having perpetual succession and a common seal; and

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- (c) be called “The Management Corporation — Strata Title Plan No.\_\_\_\_” (the number to be specified being the number of the strata title plan).
- (2) A management corporation for a strata title plan may —
- (a) sue and be sued on any contract made by it;
  - (b) sue and be sued in respect of any matter affecting the common property;
  - (c) sue in respect of any loss or damage suffered by the management corporation arising out of a contract or otherwise; and
  - (d) be sued in respect of any matter connected with the parcel for which the subsidiary proprietors are jointly liable.
- (3) A management corporation constituted in respect of a strata title plan shall have the powers, duties and functions conferred or imposed on it by or under this Act, or by the by-laws in respect of the parcel comprised in that strata title plan and, subject to this Act, shall have the control, management and administration of the common property comprised in that strata title plan.
- (4) Nothing in this section shall be construed as prohibiting a management corporation constituted in respect of a strata title plan from adding the name of any subdivided building comprised in the strata title plan to its official name.
- (5) In this section, “subsidiary proprietors” includes the persons entitled to the land on which the subdivided building is erected pursuant to the termination of the strata subdivision scheme under section 78 or 81 of the Land Titles (Strata) Act (Cap. 158).

### **Common seal of management corporation**

- 25.—**(1) The common seal of a management corporation shall be kept —
- (a) where the management corporation is constituted by one subsidiary proprietor — by that subsidiary proprietor; or
  - (b) where the management corporation is constituted by 2 or more subsidiary proprietors — by such subsidiary

proprietor or member of the council as the management corporation determines or, in the absence of any such determination, by the secretary of the council.

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

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

who shall also sign the instrument or document to which the seal is affixed.

### **First annual general meeting of management corporation**

**26.—**(1) The owner developer of any development on a parcel comprised in a strata title plan (whether or not he is also a subsidiary proprietor) shall hold the first annual general meeting of the management corporation constituted in respect of that strata title plan no later than the earlier of the following dates:

- (a) a date that is one month after the end of the initial period for the management corporation; or
- (b) a date that is 6 weeks after the owner developer receives a written request from the subsidiary proprietors of at least 10% of the total number of lots comprised in that strata title plan asking for the first annual general meeting to be held.

(2) Subject to subsection (8), the chairperson of the first annual general meeting shall be the owner developer acting personally or through an agent.

(3) The agenda for the first annual general meeting of a management corporation constituted in respect of a strata title plan comprising any development shall consist of the following:

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- (a) to elect a council in accordance with section 53 where there are more than 3 subsidiary proprietors;
  - (b) to determine the amount to be raised for the management fund and the sinking fund;
  - (c) to decide whether insurances effected by the owner developer of the development should be varied or extended;
  - (d) to decide the matters that shall be determined only by the management corporation at a general meeting;
  - (e) to appoint a managing agent, if the management corporation so desire, and to determine the powers, duties or functions of the management corporation to be delegated to the managing agent; and
  - (f) to receive and, if considered fit, to adopt the audited annual accounts of the management corporation for the period starting from the date the management corporation is constituted and ending on a date not earlier than 4 months before the first annual general meeting.
- (4) At or within 2 weeks after convening the first annual general meeting of the management corporation constituted in respect of a strata title plan comprising any development, the owner developer of the development shall —
- (a) place before the meeting and deliver to the management corporation copies of all the following:
    - (i) all plans that were required to obtain the temporary occupation permit and certificate of statutory completion (where applicable) for all buildings in the development, (including amendments to such plans) that have been filed with the Commissioner of Building Control under the Building Control Act (Cap. 29);
    - (ii) any document in the owner developer's possession that indicates, as far as practicable, the actual location of any pipe, wire, cable, chute, duct or other facility

for the passage or provision of systems or services, if the owner developer has reason to believe that the pipe, wire, cable, chute, duct or other facility is not located as shown on a plan or amended plan filed with the Commissioner of Building Control under the Building Control Act;

- (iii) all contracts entered into by or on behalf of the management corporation;
  - (iv) a copy of the strata title plan;
  - (v) the names and addresses of such contractors, subcontractors and persons who supplied labour or materials to the development during construction as may be prescribed;
  - (vi) all warranties, manuals, schematic drawings, operating instructions, service guides, manufacturer's documentation and other similar information respecting the construction, installation, operation maintenance, repair and servicing of any common property or limited common property, including any warranty information provided to the owner developer by any person referred to in sub-paragraph (v);
  - (vii) all records required to be prepared or retained by the management corporation under this Act; and
  - (viii) any other records as may be prescribed; and
- (b) place an annual budget before the meeting for approval, which shall be for a period of 12 months starting on the first day of the month following the date of the first annual general meeting.

(5) If the owner developer contravenes subsection (4)(a) and the management corporation is required to pay any person to obtain a document referred to in that provision, the amount so paid shall be deemed to be a debt owing to the management corporation by the owner developer.

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(6) If the owner developer does not hold the first annual general meeting as required by subsection (1), any subsidiary proprietor of any lot comprised in the development or any mortgagee in possession of such lot may apply to the Commissioner to appoint a person to convene the first annual general meeting of the management corporation for that development.

(7) The Commissioner may, on receiving any application under subsection (6), by order —

- (a) appoint a person to convene the first annual general meeting of the management corporation of a development within such time and at such place as may be specified in the order; and
- (b) include such ancillary or consequential instructions as the Commissioner thinks fit to facilitate the holding of the meeting by such person,

and any such meeting so convened by that person shall be the first annual general meeting of the management corporation.

(8) Where an order is made under subsection (7) —

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

(9) Any owner developer who, without reasonable excuse, fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

### **Meetings, other than first annual general meeting, of management corporation**

**27.—**(1) After the first annual general meeting has been held, an annual general meeting of a management corporation shall be held in

each calendar year and not more than 15 months after the holding of the last preceding annual general meeting.

(2) A meeting of the management corporation which is not an annual general meeting shall be held whenever it is convened by the council and shall be an extraordinary general meeting.

(3) Except as otherwise provided in section 26, the First Schedule shall apply to and in respect of any meeting of a management corporation, and voting at that meeting.

(4) Where after the holding of an annual general meeting of a management corporation —

- (a) no annual general meeting of the management corporation is next held in accordance with subsection (1); or
- (b) the next annual general meeting of the management corporation is held after the time limited by subsection (1) for its holding,

the chairperson and the secretary of the management corporation shall each be guilty of an offence.

(5) Where any person is charged with an offence under subsection (4), it shall be a defence to prove that he took all reasonable steps and exercised all due diligence to secure compliance with this section.

### **Management corporation's address**

**28.**—(1) Every management corporation shall —

- (a) ensure that an address for the time being for service of notices on it is recorded in the strata title plan and displayed on a notice board at a conspicuous place within the common property; and
- (b) cause to be constructed and maintained at or near the street alignment of the parcel a receptacle suitable for the receipt of mail and other documents with the name of the management corporation clearly shown thereon.

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(2) A management corporation may decide that the address, as shown on the strata title plan, for the service of notices on the management corporation shall be changed.

(3) Where a management corporation has, under subsection (2), decided that the address for the service of notices on it shall be changed, the management corporation shall —

- (a) within 7 days after deciding, notify the Registrar of Titles and the Commissioner of the change;
- (b) apply to amend the registered strata title plan and other relevant records accordingly; and
- (c) within 7 days after deciding, serve on each of its subsidiary proprietors a written notice of the change.

(4) Any management corporation which contravenes subsection (3)(a) or (c) shall be guilty of an offence.

### **Duties and powers of management corporation in respect of property**

**29.**—(1) Except as otherwise provided in subsection (3), it shall be the duty of a management corporation —

- (a) to control, manage and administer the common property for the benefit of all the subsidiary proprietors constituting the management corporation;
- (b) to properly maintain and keep in a state of good and serviceable repair (including, where reasonably necessary, renew or replace the whole or part thereof) —
  - (i) the common property;
  - (ii) any fixture or fitting (including any pipe, pole, wire, cable or duct) comprised in the common property or within any wall, floor or ceiling the centre of which forms a boundary of a lot, not being a fixture or fitting (including any pipe, pole, wire, cable or duct) that is used for the servicing or enjoyment of any lot exclusively;

- (iii) any fixture or fitting (including any pipe, pole, wire, cable or duct) which is comprised within a lot and which is intended to be used for the servicing or enjoyment of the common property;
  - (iv) each door, window and other permanent cover over openings in walls where a side of the door, window or cover is part of the common property; and
  - (v) any movable property vested in the management corporation;
- (c) to effect insurance according to this Act;
- (d) when so directed by a special resolution, to install or provide additional facilities or make improvements to the common property for the benefit of the subsidiary proprietors constituting the management corporation;
- (e) to comply with any notice or order made by any relevant authority or public authority requiring the abatement of any nuisance on the common property or ordering repairs or other work to be done in respect of the subdivided building or common property;
- (f) to pay the rent, if any, on the land on which the subdivided building is erected;
- (g) to cause proper records to be kept of notices given to the management corporation under this Act or any other written law, or of any orders made by a court, a Board or other tribunal and served on the management corporation; and
- (h) to convene annual general meetings in accordance with the First Schedule.
- (2) Except as otherwise provided in subsection (3), a management corporation may —
- (a) enter into an agreement, upon such terms and conditions (including terms for the payment of consideration) as may be agreed upon by the parties thereto, with a subsidiary proprietor or occupier of a lot for the provision of amenities

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or services by it to the lot or to the subsidiary proprietor or occupier thereof; and

- (b) do all things reasonably necessary for the performance of its duties under this Part and for the enforcement of the by-laws.

(3) Notwithstanding subsections (1) and (2) but subject to subsection (4), where a strata title plan comprises common property and any limited common property, the management corporation constituted shall, upon the creation of the limited common property —

- (a) perform the duties and exercise the powers referred to in subsections (1) and (2), respectively, only in respect of common property that is not limited common property; and
- (b) cease to perform those duties and exercise those powers in respect of the limited common property created.

(4) Notwithstanding any other provision of this Act, a management corporation constituted for common property within a strata title plan may manage and maintain any limited common property within that strata title plan upon such terms and conditions as may be agreed between the subsidiary management corporation for that limited common property and the management corporation.

### **Powers of management corporation to carry out work**

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

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

- (a) required to be carried out by him under a term or condition of a by-law referred to in section 33;
- (b) necessary to remedy a breach of the duty imposed on him by section 63(a);

- (c) to rectify any defect in any water pipe or sewer pipe within his lot or any cracks in the wall or floor within his lot; or
- (d) necessary to rectify his contravention of section 37(1),

the management corporation may carry out that work.

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

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

(4) Where an order (including an interim order) made by any Board has not been complied with, the management corporation may carry out any work specified in the order and recover from the person against whom the order was made the cost of so doing as a debt in a court of competent jurisdiction.

(5) Where —

- (a) any part of a building comprised in a lot contains any structural defect which affects or is likely to affect the support or shelter provided by that lot for another lot in that building or the common property; or
- (b) any defect occurs in any pipes, wires, cables or ducts referred to in section 63(a)(ii) within a lot,

and the defect is not due to any breach of the duty imposed on any person by section 63(a), the management corporation shall carry out such work as is necessary to rectify the defect and may recover the

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cost of such work from any person who has a duty to remedy the defect as a debt in any court of competent jurisdiction.

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

### **Powers of entry of management corporation**

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

- (a) pursuant to section 30(1), (2), (4) or (5), any work;
- (b) any work required to be carried out by a management corporation —
  - (i) by a notice served on it by a public authority; or
  - (ii) by an order (including an interim order) of a Board;
- (c) any work referred to in section 29(1)(b) or (d); or
- (d) any work necessary to repair or renew any pipes, poles, wires, cables or ducts referred to in section 63(a)(ii),

the management corporation may, by its agents, employees or contractors, enter upon any part of the parcel for the purpose of carrying out the work —

- (i) in the case of an emergency — at any time; or
- (ii) in any other case — at any reasonable time on notice being given to any occupier of that part of the parcel.

(2) Any person who obstructs or hinders a management corporation in the exercise of any power under this section shall be guilty of an offence.

### **By-laws for common property**

**32.**—(1) Every parcel comprised in a strata title plan shall be regulated by by-laws.

(2) Subject to the Fourth Schedule, the by-laws prescribed by regulations shall be the by-laws for every parcel comprised in a strata title plan in respect of which a management corporation is constituted on or after the date of commencement of this section, and no by-law made under this section or section 33 shall be inconsistent with any such prescribed by-law.

(3) Save where otherwise provided in section 33, a management corporation may, pursuant to a special resolution, make by-laws, or amend, add to or repeal any by-laws made under this subsection, for the purpose of controlling and managing the use or enjoyment of the parcel comprised in the strata title plan, including all or any of the following purposes:

- (a) safety and security measures;
- (b) details of any common property of which the use is restricted;
- (c) the keeping of pets;
- (d) parking;
- (e) floor coverings;
- (f) garbage disposal;
- (g) behaviour;
- (h) architectural and landscaping guidelines to be observed by all subsidiary proprietors;
- (i) such other matters as are appropriate to the type of strata scheme concerned.

(4) Any by-laws made, and any amendment of, or addition to or repeal of the by-laws made under this section or section 33, shall have

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no force or effect until a copy of the by-laws or the amendment of, or addition to or repeal, as the case may be, has been lodged with the Commissioner.

(5) A copy of every by-law made by the management corporation under this section or section 33, and every addition, amendment or repeal of any such by-law for the time being in force, certified as a true copy under the seal of the management corporation, shall be lodged by the management corporation with the Commissioner within 30 days of the passing of the resolution by the management corporation approving the making of such by-law or any amendment, addition to or repeal of any existing by-law.

(6) Without limiting the operation of any other provision of this Act, the prescribed by-laws and any by-laws made under this section or section 33 for the time being in force bind the management corporation and the subsidiary proprietors and any mortgagee in possession (whether by himself or any other person), lessee or occupier of a lot to the same extent as if the by-laws —

- (a) had been signed and sealed by the management corporation, and each subsidiary proprietor and each such mortgagee, lessee and occupier, respectively; and
- (b) contained mutual covenants to observe, comply and perform all the provisions of the by-laws.

(7) A lease of a lot shall be deemed to contain an agreement by the lessee that the lessee will comply with the prescribed by-laws and any by-laws made under this section or section 33 for the time being in force.

(8) The management corporation shall —

- (a) keep a record of the prescribed by-laws and any by-laws made by the management corporation under this section or section 33 which are in force from time to time;
- (b) display a copy of the prescribed by-laws and any other by-laws made by the management corporation under this section or section 33 on a notice board maintained by the management corporation on the common property;

- (c) on receipt of an application in writing made by a subsidiary proprietor, or by a person duly authorised to apply on behalf of a subsidiary proprietor for a copy of the by-laws which are in force, supply to such subsidiary proprietor or duly authorised person at a reasonable cost a copy of the by-laws; and
- (d) on the application of any person who satisfies the management corporation that he has a proper interest in so applying, make the by-laws available for his inspection.
- (9) No by-law made under this section or section 33 shall be capable of operating —
- (a) to prohibit or restrict the devolution of a lot or a transfer, lease, mortgage or other dealing of a lot; or
- (b) to destroy or modify any easement expressly or impliedly created by or under this Act or the Land Titles (Strata) Act (Cap. 158).
- (10) The management corporation or subsidiary proprietor, mortgagee in possession, lessee or occupier of a lot shall be entitled to apply to the court —
- (a) for an order to enforce the performance of or restrain the breach of any by-law; or
- (b) to recover damages for any loss or injury to person or property arising out of the breach of any by-law from,
- any person bound to comply therewith, the management corporation or the managing agent.
- (11) The court may make such order against any such person, the management corporation or the members of its council, or the managing agent, as the court thinks fit.
- (12) In this section, “lease” includes a tenancy agreement.

### **Exclusive use by-laws**

**33.—**(1) Without prejudice to section 32, with the written consent of the subsidiary proprietor of the lot concerned, a management corporation may make a by-law —

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- (a) pursuant to an ordinary resolution, conferring on the subsidiary proprietor of a lot specified in the by-law, or on the subsidiary proprietors of the several lots so specified, for a period not exceeding one year —
- (i) the exclusive use and enjoyment of; or
  - (ii) special privileges in respect of,
- the whole or any part of the common property, upon conditions (including the payment of money at specified times or as required by the management corporation, by the subsidiary proprietor or subsidiary proprietors of the lot or several lots) specified in the by-law;
- (b) pursuant to a special resolution, conferring on the subsidiary proprietor of a lot specified in the by-law, or on the subsidiary proprietors of the several lots so specified, for a period which exceeds one year but does not exceed 3 years and cannot be extended by exercise of any option of renewal to exceed an aggregate of 3 years —
- (i) the exclusive use and enjoyment of; or
  - (ii) special privileges in respect of,
- the whole or any part of the common property, upon conditions (including the payment of money at specified times or as required by the management corporation, by the subsidiary proprietor or subsidiary proprietors of the lot or several lots) specified in the by-law;
- (c) pursuant to a 90% resolution, conferring on the subsidiary proprietor of a lot specified in the by-law, or on the subsidiary proprietors of the several lots so specified, for a period which exceeds 3 years —
- (i) the exclusive use and enjoyment of; or
  - (ii) special privileges in respect of,
- the whole or any part of the common property, upon conditions (including the payment of money at specified times or as required by the management corporation, by the

subsidiary proprietor or subsidiary proprietors of the lot or several lots) specified in the by-law; or

(d) amending, adding to or repealing a by-law made in accordance with paragraph (a), (b) or (c), as the case may be.

(2) A by-law referred to in subsection (1) shall either provide that —

(a) the management corporation shall continue to be responsible to carry out its duties under section 29(1), at its own expense; or

(b) the subsidiary proprietor or proprietors of the lot or lots concerned shall be responsible for, at the subsidiary proprietor's or subsidiary proprietors' expense, the performance of the duties of the management corporation referred to in paragraph (a),

and in the case of a by-law that confers rights or privileges on more than one subsidiary proprietor, any money payable by virtue of the by-law by the subsidiary proprietors concerned —

(i) to the management corporation; or

(ii) to any person for or towards the maintenance or upkeep of any common property,

shall, except to the extent that the by-law otherwise provides, be payable by the subsidiary proprietors concerned proportionately according to the relevant proportions of their respective share values.

(3) Any by-law referred to in subsection (1) shall, while it remains in force, enure as appurtenant to, and for the benefit of, and is binding upon, the subsidiary proprietor or subsidiary proprietors for the time being of the lot or lots specified in the by-law.

(4) To the extent to which such a by-law makes a subsidiary proprietor directly responsible for the duties of the management corporation referred to in subsection (2)(a), it discharges the management corporation from the performance of those duties.

(5) If a by-law does not provide as required by subsection (2)(a) or (b), the subsidiary proprietor or subsidiary proprietors shall be

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responsible at his or their own expense, for the duties of the management corporation referred to in subsection (2)(a).

(6) Any moneys payable by a subsidiary proprietor to the management corporation under a by-law referred to in subsection (1) may be recovered as a debt by the management corporation in any court of competent jurisdiction.

(7) A by-law made pursuant to subsection (1) —

(a) need not identify or define the common property the subject of the grant of exclusive use and enjoyment or special privileges provided that the by-law prescribes a method of identifying or defining the common property; and

(b) may authorise the transposition of an identified or defined area of the common property from one subsidiary proprietor of a lot to another subsidiary proprietor of a lot at any time and from time to time on receipt of written notice to the management corporation from both such subsidiary proprietors.

(8) *Notwithstanding any provision in this Act, the owner developer of a staged development on a parcel shall, when carrying out any warranted development or authorised proposal in respect thereof, be entitled to use any common property, limited common property or future development lot within that parcel —*

(a) *to the extent necessary to carry out the development; or*

(b) *to such other extent as may be specified in the staged development contract between the owner developer and any subsidiary proprietor of any lot comprised in the staged development, which may confer on the owner developer an exclusive (or any lesser) right to occupy the common property or limited common property.*

(9) *Any right conferred by subsection (8) may be exercised notwithstanding any provision of the by-laws made under section 32 or this section, but shall be exercised in a manner that does not cause unreasonable inconvenience to any occupier of a lot.*

**Dispositions and additions to, etc., common property**

**34.**—(1) A management corporation may, subject to the approval of the relevant authority, and pursuant to a 90% resolution —

(a) execute on behalf of its subsidiary proprietors a transfer of any part of common property (including a part of any building or any immovable property affixed to the common property) as provided in section 23 of the Land Titles (Strata) Act (Cap. 158); or

(b) execute on their behalf a lease of or rent part of such common property for a period which exceeds 3 years,

other than common property the subject of any lease accepted or acquired by the management corporation under subsection (3).

(2) Subject to such approval from the relevant authority, a management corporation may —

(a) pursuant to a special resolution, execute on behalf of its subsidiary proprietors a lease of or rent part of such common property to any person for a period which exceeds one year but does not exceed 3 years and cannot be extended by exercise of any option of renewal to exceed an aggregate of 3 years; or

(b) execute on their behalf a lease of or rent part of such common property to any person for a period which does not exceed one year and cannot be extended by exercise of any option of renewal to exceed an aggregate of one year,

other than common property the subject of any lease accepted or acquired by the management corporation under subsection (3).

(3) A management corporation may, pursuant to a special resolution, and subject to such approval from the relevant authority, accept —

(a) a grant or transfer of any land (not being a lot within the parcel) which abuts the parcel, free from any encumbrances (except those created by statute and subsisting easements);

(b) a grant or transfer of any lot, including the undivided share in the common property appurtenant to that lot, free from

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any encumbrances (except those created by statute and subsisting easements); or

- (c) a lease of land, not being a lot within the parcel, whether or not it abuts on the parcel,

for the purpose of creating additional common property.

(4) A management corporation may approve the subdivision of a lot or the amalgamation of 2 or more lots resulting in the creation of any additional or new common property.

(5) Where there are 2 or more management corporations established for separate parcels which are of the same tenure, the respective management corporations may, pursuant to respective special resolutions and subject to such approval from the relevant authority, accept and execute such instruments to amalgamate the common property within the parcels to be held by all the subsidiary proprietors of the respective management corporations as tenants-in-common in undivided shares.

### **Creation of easements by management corporation**

**35.—**(1) Subject to subsection (2), a management corporation may, pursuant to a unanimous resolution —

- (a) execute on behalf of its subsidiary proprietors a grant of easement or a restrictive covenant burdening the parcel;
- (b) accept on their behalf a grant of easement or a restrictive covenant;
- (c) surrender on their behalf a grant of easement or a restrictive covenant burdening the parcel; or
- (d) accept on their behalf a surrender of a grant of easement or a restrictive covenant.

(2) Subsection (1) shall not authorise a management corporation to accept or grant or execute a surrender of any easement relating to common property the subject of a lease accepted or acquired by the management corporation under section 34(3) that, apart from subsection (1), it is not entitled to accept or execute as a lessee or, by the terms of the lease, it is prevented from accepting or executing.

**Application by subsidiary proprietor to court regarding common property**

**36.**—(1) Notwithstanding sections 34 and 35, a subsidiary proprietor may make an application to the court for an order to direct the management corporation or management corporations to —

- (a) transfer a part of the common property;
- (b) accept a transfer of any land or part thereof or any lot so that the land or part thereof or lot shall form part of the common property; or
- (c) amalgamate the common property of 2 or more management corporations.

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

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

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

**Improvements and additions to lots**

**37.**—(1) Except pursuant to an authority granted under subsection (2), no subsidiary proprietor of a lot that is comprised in

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a strata title plan shall effect any improvement in or upon his lot for his benefit which increases or is likely to increase the floor area of the land and building comprised in the strata title plan.

(2) A management corporation may, at the request of a subsidiary proprietor of any lot comprised in its strata title plan and upon such terms as it considers appropriate, by 90% resolution, authorise the subsidiary proprietor to effect any improvement in or upon his lot referred to in subsection (1).

(3) Except pursuant to an authority granted under subsection (4), no subsidiary proprietor of a lot that is comprised in a strata title plan shall effect any other improvement in or upon his lot for his benefit which affects the appearance of any building comprised in the strata title plan.

(4) A management corporation may, at the request of a subsidiary proprietor of any lot comprised in its strata title plan and upon such terms as it considers appropriate, authorise the subsidiary proprietor to effect any improvement in or upon his lot referred to in subsection (3) if the management corporation is satisfied that the improvement in or upon the lot —

- (a) will not detract from the appearance of any of the buildings comprised in the strata title plan or will be in keeping with the rest of the buildings; and
- (b) will not affect the structural integrity of any of the buildings comprised in the strata title plan.

(5) In this section, in relation to any land and building comprised in a strata title plan, “floor area” has the same meaning as in the Planning (Development Charges) Rules (Cap. 232, R 5).

### **Management funds and sinking funds**

**38.—**(1) A management corporation shall establish and maintain a fund as its management fund.

(2) A management corporation shall pay into its management fund —

- (a) all moneys received by it in respect of contributions determined under section 39(1);

- (b) the proceeds of the sale or other disposal of any movable property of the management corporation;
  - (c) any fee received by the management corporation under section 47;
  - (d) any amounts paid to the management corporation by way of discharge of insurance claims; and
  - (e) interest received on any investment belonging to the management fund.
- (3) A management corporation shall not disburse any moneys from its management fund otherwise than for the purpose of —
- (a) meeting its liabilities referred to in section 39(1);
  - (b) carrying out its powers, authorities, duties or functions under this Act; or
  - (c) transferring moneys therein not required to meet the liabilities of the management fund to the sinking fund.
- (4) A management corporation shall also establish and maintain a fund as its sinking fund.
- (5) In addition to any moneys transferred under subsection (3)(c), a management corporation shall pay into its sinking fund —
- (a) all moneys received by it in respect of contributions determined under section 39(2);
  - (b) any amount paid to the management corporation by way of discharge of insurance claims and not paid to the management fund;
  - (c) all other amounts received by the management corporation and not paid or payable into the management fund; and
  - (d) interest received on any investment belonging to the sinking fund.
- (6) A management corporation shall not disburse any moneys from its sinking fund otherwise than for the purpose of —
- (a) meeting its liabilities referred to in section 39(2); or

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(b) carrying out its powers, authorities, duties or functions under this Act.

(7) A management corporation may only invest any moneys in its management fund or sinking fund in any manner permitted by law for the investment of trust funds.

(8) A management corporation shall pay any moneys in its management fund or sinking fund that are not otherwise invested in accordance with subsection (7) into an account established with a financial institution in the name of the management corporation.

(9) A management corporation may borrow moneys and secure the repayment thereof and of any interest in such manner as may be agreed upon by the management corporation and the lender, otherwise than by charging the repayment on the common property.

(10) A management corporation shall —

(a) cause proper books of account to be kept in respect of moneys received or expended by the management corporation showing the items in respect of which the moneys were received or expended; and

(b) cause to be prepared, from the books referred to in paragraph (a), a proper statement of accounts of the management corporation in respect of each period commencing on the date the management corporation was constituted or the date up to which the last previous such statement was prepared and ending on a date not earlier than 4 months before each annual general meeting.

### **Management corporation to determine contributions by subsidiary proprietors**

**39.**—(1) The management corporation shall, from time to time at a general meeting, determine the amounts which are reasonable and necessary to be raised by contributions for the purpose of meeting its actual or expected liabilities incurred or to be incurred within the period (not exceeding 12 months) specified in the determination in respect of —

- (a) the regular maintenance and keeping in good and serviceable repair pursuant to section 29 of parts of the parcel being the common property, fixtures, fittings and other property (including movable property) held by or on behalf of the management corporation;
  - (b) the common expenses of the management corporation (except those in subsection (2)(a) to (d));
  - (c) the payment of insurance premiums; and
  - (d) all other liabilities incurred or to be incurred during that period by or on behalf of the management corporation in carrying out its powers, authorities, duties and functions under this Act other than liabilities referred to in subsection (2).
- (2) The management corporation shall, also from time to time at a general meeting, determine the amounts which are reasonable and necessary to be raised by contributions for the purpose of meeting its actual or expected liabilities incurred or to be incurred in respect of —
- (a) painting or treating of any part of the common property which is a structure or other improvement for the preservation and appearance of the common property;
  - (b) major repairs and improvements to, and maintenance of, the common property and boundary wall;
  - (c) the renewal or replacement pursuant to section 29 of parts of the parcel being the common property, fixtures, fittings and other property (including movable property) held by or on behalf of the management corporation;
  - (d) the acquisition of movable property; and
  - (e) such other liabilities expected to be incurred at a future time where the management corporation determines in a general meeting that the whole or part thereof should be met from its sinking fund.
- (3) If the management corporation becomes liable to pay any moneys that it is unable to pay immediately, the management corporation shall determine that amount to be raised by contributions.

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(4) A determination made by a management corporation under subsection (1) or (2) may specify that the amounts to be raised for the purposes therein referred to shall be raised by such regular periodic contributions as may be specified in the determination.

### **Contributions by subsidiary proprietors**

**40.**—(1) A management corporation may levy the contributions determined by it in accordance with section 39(1) or (2) or 41, and the contributions referred to in section 39(3), by serving on the subsidiary proprietors notice in writing of the contributions payable by them in respect of their respective lots.

(2) Subject to sections 41 and 108(3), the contributions levied by a management corporation in respect of each lot shall be payable by the subsidiary proprietors in shares proportional to the share value of their respective lots.

(3) If, at the time a person becomes a subsidiary proprietor of a lot, another person is liable in respect of the lot to pay a contribution levied under this section or section 41, the subsidiary proprietor shall, subject to section 47(3), be jointly and severally liable with the other person for the payment of the contribution and interest on the contribution.

(4) A person who has ceased to be a subsidiary proprietor of the lot shall only be liable to pay the contribution levied under this section or section 41 and which was unpaid at the time he ceased to be a subsidiary proprietor, plus the interest accruing on the unpaid contribution until such time as it is paid.

(5) Without affecting the liability of the subsidiary proprietor of a lot in respect of any contribution levied under this section or section 41, where a mortgagee is in possession (whether by himself or any other person) of a lot, he shall be liable jointly and severally with the subsidiary proprietor of the lot which he is in possession —

- (a) for any contributions to a management fund or sinking fund by regular periodic instalments;
- (b) for any other contribution if notice in writing of the levy of the contribution has been served on him; and

(c) for interest on any of those contributions.

(6) Any contribution levied under this section or section 41 —

(a) shall become due and payable to the management corporation without any deduction whatsoever in accordance with the decision of the management corporation to make the levy;

(b) if not paid within 30 days when it becomes due and payable, shall bear interest at the rate determined by the management corporation and such interest shall accrue from the expiry of 30 days after the date when the contribution becomes due and payable unless the management corporation determines in a general meeting (either generally or in a particular case) that any unpaid contribution shall bear no interest; and

(c) may, together with such interest due, be recovered as a debt by the management corporation in any court of competent jurisdiction.

(7) Any interest paid under subsection (6) shall form part of the fund to which the contribution belongs.

(8) Any contribution levied by a management corporation under this section or section 41 shall be deemed to be money payable under a contract for the provision of services and a management corporation may lodge a claim for the payment of such contribution with a Small Claims Tribunal in accordance with the provisions of the Small Claims Tribunals Act (Cap. 308).

(9) Where any contribution or interest thereon levied under subsection (6) is not paid within 30 days when it becomes due and payable, the management corporation may serve a written demand on the subsidiary proprietor of the lot in respect of which the contribution is levied.

(10) Without prejudice to subsection (8), a subsidiary proprietor who fails to pay any contribution or interest due and owing to a management corporation within 14 days from the date of service of any written demand referred to in subsection (9) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding

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\$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the contribution or interest or both remain unpaid after conviction.

(11) The court before which a conviction for an offence under subsection (10) is had may, in addition to such fine, order the subsidiary proprietor to pay to the management corporation the amount of any contribution together with any interest thereon or any interest certified by the management corporation to be due from such person at the date of his conviction, and such amount shall be recovered according to any written law for the time being in force for the recovery of fines.

(12) In this section, “subsidiary proprietor” includes —

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

### **Additional or variation of contributions**

**41.—**(1) Notwithstanding section 40(2), the contributions payable by the subsidiary proprietor of a proposed lot shall, during the period when any building consisting of that proposed lot is being erected and is not yet completed, be reduced by 75%.

(2) For the purposes of subsection (1), a building consisting of a proposed lot shall be deemed to be completed when a temporary occupation permit is issued for any proposed lot in the building.

(3) Notwithstanding section 40(2), a management corporation may, subject to the approval of the Commissioner under subsection (4), levy additional contributions on the subsidiary proprietor of any lot —

- (a) where a lot has been subdivided into 2 or more lots and the management corporation will incur additional expenditure in maintaining the facilities or common property, whether

or not new facilities or new common property arise from the subdivision of the first-mentioned lot;

- (b) where any change of use in respect of a lot has been approved by the competent authority without any alteration to the common property; or
- (c) where improvements in or upon the lot have been effected for the benefit of the subsidiary proprietor thereof in accordance with section 37.

(4) The Commissioner may approve the levy of any additional contribution under subsection (3) if and only if he is satisfied that the additional contribution is not inadequate, excessive and unreasonable.

(5) The Commissioner shall give any subsidiary proprietor concerned an opportunity of being heard before giving his approval for any additional contribution to be levied under subsection (3).

(6) Notwithstanding section 40(2), where any common property is altered or any structure is erected on the common property giving rise to a change in use of the common property by or in respect of any lot, the management corporation may, pursuant to a comprehensive resolution, levy contributions to the management fund and sinking fund on any subsidiary proprietor of such lot using any one or more formula different from that in section 40(2).

(7) A copy of every comprehensive resolution referred to in subsection (6) shall be filed by the management corporation concerned with the Commissioner within 7 days after its passing.

(8) Notwithstanding section 40(2) but subject to subsections (1), (3) and (6), a management corporation may, pursuant to resolution by consensus, levy contributions to the management fund or sinking fund on all or any of its subsidiary proprietors based on any other method.

(9) A management corporation may, by special resolution, determine (either generally or in a particular case) the amount or percentage less of a contribution levied that a subsidiary proprietor may pay in the following circumstances:

- (a) if the contribution is paid to the management corporation before the date it becomes payable; or

- (b) for contributions payable by instalments — if the contribution is paid in full on or before the date specified in the notice for payment in full, or if the contributions are paid in another way stated in the resolution.

**Contributions payable before first annual general meeting**

**42.—**(1) Where the first annual general meeting of a management corporation constituted in respect of a strata title plan has not yet been convened, the subsidiary proprietor of each of the lots in the strata title plan shall, starting from the date of the management corporation is constituted, pay to the management corporation any sum which has been approved by the Commissioner under section 18 as the amount payable for the maintenance of the subdivided building and the common property.

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

**Recovery of contribution from sale of lot**

**43.—**(1) Where —

- (a) an amount is recoverable by the management corporation from the subsidiary proprietor of a lot under section 30; or  
(b) any contribution is levied under section 40 or 41,

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

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

- (a) the management corporation shall, subject to subsection (3), have the power of sale and all other

powers relating or incidental thereto as if such management corporation is a registered mortgagee; and

- (b) the amount or contribution due (including interest thereon) shall be subject to all statutory charges of any public authority over the lot and to all encumbrances registered or notified prior to the date of lodgment of that instrument of charge except that in the case where a prior registered mortgagee or chargee has sold the lot in exercise of his power of sale, the registered charge of the estate or interest of the lot when transferred to a purchaser by the mortgagee or chargee shall not be over-reached by the exercise of the power of sale by the mortgagee or chargee of a prior registered mortgage or charge.

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

- (a) a special resolution has been passed by the management corporation to have the lot sold;
- (b) a notice of the intended sale has been published once in one or more daily newspapers approved by the Registrar of Titles;
- (c) during the period of 6 weeks after the date of such publication, no payment has been received for the amount or contribution due (including interest thereon) and the cost of publication specified in paragraph (b) as well as any other necessary incidental charges; and
- (d) there is no legal action pending in court to restrain the management corporation from proceeding with the sale.

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

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

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- (i) a certified true copy of the special resolution of the management corporation authorising the exercise of its power of sale with the seal of the management corporation affixed thereto in the presence of 2 members of the council of the management corporation;
  - (ii) a copy of every publication containing the notice referred to in subsection (3)(b); and
  - (iii) a statutory declaration made by the members of the council of the management corporation referred to in sub-paragraph (i) jointly stating that the amount or contribution and interest due thereon, including all necessary incidental charges owing to the management corporation as at the date of the contract for the sale of the lot, have not been paid and that there is no legal action pending in court to restrain the management corporation from proceeding with the sale of the lot; and
- (b) neither the person who purchased the lot from the management corporation nor the Registrar of Titles shall be concerned to inquire into the regularity or validity of the sale or transfer.
- (5) Where an instrument of charge has been registered against a lot under this section, the subsidiary proprietor of the lot shall —
- (a) upon payment of the whole amount or contribution due (including interest thereon) and any necessary or incidental charges (including legal costs) to the management corporation before it has exercised its power of sale conferred by this section, be entitled to an instrument of discharge executed and acknowledged by the management corporation as to the receipt of such payment; and
  - (b) upon registration of the instrument of discharge or, in the event of the management corporation refusing to execute a discharge, an order of court declaring that the lot shall be discharged from the charge, the lot shall be freed from the charge constituted under this section.

(6) For the purpose of registration of a charge, discharge or transfer under this section, the Registrar of Titles may dispense with the production of the relevant duplicate subsidiary strata certificate of title issued under the Land Titles (Strata) Act (Cap. 158).

(7) Notwithstanding section 80 of the Land Titles Act (Cap. 157) and section 15 of the Registration of Deeds Act (Cap. 269), where further contributions and interest thereon are due to the management corporation after the registration of an instrument of charge under this section, or where the management corporation has incurred or become liable for any reasonable legal costs and reasonable expenses incurred in connection with the collection or attempted collection of the unpaid amount or contribution or further amount or contribution, such amount or contribution due (including interest thereon) and such legal costs and expenses shall rank in priority to any other claims as if the amount or contribution were due at the date of the registration of the charge.

(8) A charge under subsection (2) shall continue in force until all the amount or contributions (including interest thereon) and the legal costs and expenses, as the case may be, secured by the charge have been paid.

(9) This section shall not affect the rights and powers conferred on the management corporation by sections 30 and 40 to recover the amount or contribution due and all interest thereon including any legal costs and incidental charges necessarily incurred for the recovery of the amount or contribution in respect of any lot as a debt from the subsidiary proprietor of, or his successor in title to, the lot.

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

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

**44.—**(1) The payment of any expenditure lawfully incurred by a 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

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the time being and from time to time, comprise the management corporation.

(2) The subsidiary proprietor of a lot shall be liable only to pay the amount which he would have to pay if contributions were levied by the management corporation under section 40 or 41(6) to raise the necessary sum for the payment of the expenditure.

### **Audit of accounts of management corporation**

**45.**—(1) Subject to section 134, the books and accounts of every management corporation in respect of each financial year of the management corporation shall be audited.

(2) The audit of the books and accounts of a management corporation shall be carried out only by a person who is a public accountant within the meaning of the Companies Act (Cap. 50).

(3) The auditor shall be appointed by —

(a) the management corporation at its annual general meeting;  
or

(b) the council of the management corporation within 90 days after the annual general meeting is concluded if no auditor is appointed during that annual general meeting,

and the auditor shall hold office until the conclusion of the next annual general meeting of the management corporation.

### **Strata roll**

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

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

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

(a) the share value of the lot, as shown on the schedule of strata units accepted by the Commissioner under section 11;

- (b) the name and address of the subsidiary proprietor, as shown on the folio of the subsidiary strata land-register comprising the lot and the name of and address within Singapore for the service of the notices on the subsidiary proprietor of that lot as shown in notices given to the management corporation under section 65(2) or (3);
  - (c) the name of any mortgagee of the lot notice of whose mortgage has been given to the management corporation under section 65(4), the address within Singapore for the service of notices on him as shown in that notice and any other mortgages which are specified in that notice as having priority over his mortgage;
  - (d) the name of the representative of any company which is the subsidiary proprietor or mortgagee of the lot as shown in notices given to the management corporation for the purposes of section 65(10);
  - (e) the discharge, transfer, assignment or sub-mortgage of any mortgage referred to in paragraph (c), as shown in a notice given to the management corporation under section 65(5) or (6) and, except in the case of a discharge, the address within Singapore for the service of notices on the transferee, assignee or sub-mortgagee as shown in that notice;
  - (f) the date of entry into possession of the lot by a mortgagee as shown in a notice given to the management corporation under section 65(7); and
  - (g) the address within Singapore for the service of notices on any person as shown in a notice given to the management corporation under section 65(1).
- (4) The management corporation shall record and maintain in the strata roll a copy of the by-laws for the time being in force with respect to the subdivided building.

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**Supply of information, etc., by management corporations**

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

- (a) inform the applicant of the name and address of the chairperson, secretary and treasurer of the management corporation and of any person who has been appointed under section 66 as managing agent;
- (b) make available for inspection by the applicant or his agent —
  - (i) the strata roll;
  - (ii) the notices and orders referred to in section 29(1)(g);
  - (iii) the plans, specifications, certificates, diagrams and other documents delivered under section 26(4);
  - (iv) the minutes of general meetings of the management corporation and of the council;
  - (v) the books of account of the management corporation;
  - (vi) a copy of the statement of accounts of the management corporation last prepared by the management corporation in accordance with section 38(10); and
  - (vii) any other record or document in the custody or under the control of the management corporation,

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

- (c) certify, as at the date of the certificate, in respect of the lot in respect of which the application is made —
- (i) the amount of any regular periodic contributions determined by the management corporation under section 39(1) and (2) and the periods in respect of which those contributions are payable;
  - (ii) whether there is any amount unpaid of any contribution determined under section 39(1) and (2) and, if so, the amount thereof and the date on which any such contribution was levied;
  - (iii) whether there is any amount unpaid of any contribution levied under section 40 or 41 and, if so, the amount thereof and the date on which it was levied;
  - (iv) whether there is any amount recoverable from the subsidiary proprietor of that lot under section 30 and, if so, the amount thereof;
  - (v) any interest payable under section 40(6)(b) in respect of any unpaid contribution referred to in that subsection; and
  - (vi) whether the management corporation has received a copy of any application or order of any Board made under section 84A of the Land Titles (Strata) Act (Cap. 158).

(2) Where an applicant and a management corporation fail to reach an agreement referred to in subsection (1)(b) within 7 days after the receipt of the application by the management corporation, the management corporation shall immediately send by post to the applicant a notice fixing a time, specified in the notice, between 9 a.m. and 6 p.m. on a date so specified, being a date not later than 21 days after the receipt of the application by the management corporation for the making of the inspection referred to in that subsection.

(3) In favour of a donee of, or a person taking for valuable consideration, an estate or interest in any lot, a certificate given under subsection (1)(c) by a management corporation in respect of that lot

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shall be conclusive evidence, as at the date of the certificate, of the matters stated therein.

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

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

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

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

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

(2) Every management corporation shall retain all its records, books of account and such other documents relating to any of its transactions or operations for a period of not less than 5 years from the end of the financial year in which the transactions or operations to which those documents relate are completed.

*[2/2007 wef 01/03/2007]*

(3) Any management corporation which, without reasonable excuse, fails to comply with subsection (2) shall be guilty of an offence.

### **Restrictions on management corporation's powers during initial period**

**49.—**(1) Notwithstanding any other provision of this Act, a management corporation constituted in respect of any strata title plan shall not, during its initial period —

- (a) amend, add to or revoke the by-laws in such a manner that a right is conferred or an obligation is imposed on one or more, but not all, subsidiary proprietors or in respect of one or more, but not all, lots in that strata title plan;
- (b) alter any common property forming part of the parcel comprised in that strata title plan or erect any structure on the common property;
- (c) grant an easement or a restrictive covenant burdening the parcel;
- (d) execute a transfer of any part of the common property under section 34 or confer on any person the exclusive right to use and enjoy the common property;
- (e) make any contract which confers upon any person the right to use, occupy, control or manage any part of the common property for a period extending beyond the expiration of the initial period;
- (f) borrow moneys or give securities; or
- (g) appoint a managing agent to hold office as such for a period extending beyond the expiration of the initial period,

unless the doing of that thing is authorised under section 50 or 51.

(2) Any contract made by a management corporation constituted in respect of a strata title plan during its initial period, being a contract for the supply of services relating to the maintenance of any part of a parcel comprised in the strata title plan, shall be deemed to contain a provision therein that the contract may be terminated immediately by notice in writing given by the management corporation to the other party thereto without payment of any damage, fee or other compensation.

(3) Without affecting any other remedy available against the owner developer of a development comprised in a strata title plan, if a management corporation constituted in respect of that strata title plan contravenes subsection (1) —

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

unless —

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

### **Permitted alterations to common property during initial period**

**50.** A management corporation constituted in respect of any parcel comprised in a strata title plan may, during its initial period, carry out any alteration to or erection of any structure on common property as referred to in section 49(1)(b) if the management corporation is authorised to carry out that alteration or erection by a special resolution.

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

**51.—**(1) The Commissioner may, on an application made by a management corporation, make an order authorising the doing of anything referred to in section 49(1)(a), (c), (d), (e), (f) or (g).

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

- (a) the subsidiary proprietor of every lot in the subdivided building concerned, unless he is the applicant;
- (b) the registered mortgagee of every such lot; and
- (c) such other persons as the Commissioner may direct.

(3) The applicant and any person referred to in subsection (2) (whether or not he has been served with a notice of the application under subsection (1)) shall be entitled to be heard on the application.

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

### **Appeal against Commissioner's decision**

**52.**—(1) Any person who is aggrieved with any decision of the Commissioner under section 51 may, at any time within the period specified in the notice, appeal to the Minister against the decision in the prescribed manner.

(2) Unless otherwise provided, where an appeal is lodged under this section, the decision appealed against shall be complied with until the determination of the appeal.

(3) The Minister may determine an appeal under this section by confirming, varying or cancelling the decision of the Commissioner under section 51.

(4) The decision of the Minister in any appeal under this section shall be final.

### *Division 3 — Councils*

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

**53.**—(1) Subject to this section, after the first annual general meeting, every management corporation shall have a council which shall consist of such number of persons as the management corporation may determine in a general meeting, but in no case exceeding a total of 14 natural persons (inclusive of any member of an executive committee of a subsidiary management corporation in section 80(4)), and these persons shall be elected or appointed in accordance with this Act as follows:

- (a) a chairperson;
- (b) a secretary;

- (c) a treasurer; or
- (d) a member of the council,

all of whom shall be natural persons elected or appointed in accordance with this Act.

(2) Notwithstanding subsection (1), where a management corporation has not more than 3 subsidiary proprietors, the council of the management corporation shall consist of each subsidiary proprietor (if any) who is a natural person or the subsidiary proprietor's nominee, together with the nominee of each subsidiary proprietor (if any) which is a company.

(3) Where a management corporation has only one subsidiary proprietor, the sole subsidiary proprietor may make any decision that a duly convened council may make under this Act, and any such decision shall be deemed to be a decision of the council of the management corporation.

(4) All the members of the council of a management corporation shall be elected at each annual general meeting of the management corporation.

(5) The members of the council of a management corporation shall retire from office at the conclusion of the next annual general meeting of the management corporation, but a retiring member of the council shall (subject to the provisions of this Act) be eligible for re-election.

(6) A person shall not be eligible for election as a member of the council of a management corporation unless he is an individual of at least 21 years of age and who —

- (a) is a subsidiary proprietor of a lot;
- (b) is nominated for election by a subsidiary proprietor of a lot which is a company; or
- (c) is not a subsidiary proprietor but is a member of the immediate family of a subsidiary proprietor and is nominated for election by that subsidiary proprietor.

(7) Notwithstanding subsection (6), an individual referred to in that subsection shall not be eligible for election as a member of the council

of a management corporation if, on the third day before the date of election —

- (a) where he is a subsidiary proprietor of a lot, all or any part of the contributions and any other moneys levied or recoverable by the management corporation under this Act in respect of that lot are in arrears;
- (b) where he is nominated for election by a subsidiary proprietor of a lot which is a company, all or any part of the contributions and any other moneys levied or recoverable by the management corporation under this Act in respect of that lot are in arrears; or
- (c) where he is a member of the immediate family of a subsidiary proprietor of a lot and is nominated for election by that subsidiary proprietor, all or any part of the contributions and any other moneys levied or recoverable by the management corporation under this Act in respect of that lot are in arrears.

(8) Notwithstanding subsection (6) and without prejudice to subsection (7), the following persons shall also not be eligible for election as a member of the council:

- (a) an individual who is a joint subsidiary proprietor of a lot with another subsidiary proprietor, if that other subsidiary proprietor is also a candidate at that election or has nominated another person for that election; and
- (b) an individual who is nominated for election by a subsidiary proprietor who owns 2 or more lots, if that subsidiary proprietor together with any of his nominees —
  - (i) nominated at the same election; or
  - (ii) elected or appointed to the council at the same or other election,or such of his nominees, exceed the threshold number for that subsidiary proprietor determined in accordance with subsection (12).

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(9) Notwithstanding subsection (6) and without prejudice to subsections (7) and (8), an undischarged bankrupt shall be eligible for election as a member of a council if, and only if, his status as an undischarged bankrupt is declared in writing, whether by himself or by another, at the time of his nomination.

(10) Where there is no council of a management corporation, the parcel comprised in a strata title plan shall be administered by the management corporation constituted for that strata title plan, but nothing in this subsection shall prevent a managing agent appointed under this Act from exercising or performing any power, duty or function conferred or imposed upon him.

(11) The Second Schedule shall have effect with respect to the proceedings of the council of a management corporation.

(12) For the purposes of determining the eligibility of any subsidiary proprietor's nominee for election as a member of a council under subsection (8)(b), the threshold number for that subsidiary proprietor shall be —

- (a) the number of council members that is proportional to the subsidiary proprietor's share value, ignoring any fraction;  
or
- (b) 49% of the number of council members determined under subsection (1), ignoring any fraction,

whichever number is lower.

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

**54.—**(1) A person who is the chairperson, secretary or treasurer or a member of a council shall vacate his office as such a member —

- (a) if the person was a subsidiary proprietor at the time of his appointment or election and he ceases to be a subsidiary proprietor;
- (b) if the person was the nominee of a subsidiary proprietor and the subsidiary proprietor who nominated him —
  - (i) ceases to be a subsidiary proprietor; or

- (ii) notifies the management corporation in writing that the person's office as a member of the council is vacated;
  - (c) if the person fails to attend 3 consecutive meetings of the council without having first obtained from the council permission to be or to remain absent therefrom, the granting of which shall not be unreasonably withheld;
  - (d) upon the receipt by the management corporation from the person of a notice in writing of the person's resignation;
  - (e) at the end of the next annual general meeting at which a new council is elected by the management corporation or upon the election at a general meeting of another person to that office, if earlier;
  - (f) where he is a member under section 53(2) or (3) and the number of subsidiary proprietors increases to more than 3, upon the election of the members of the council at the first annual general meeting held after that increase;
  - (g) if the management corporation removes him from his office;
  - (h) if the person dies;
  - (i) if the person becomes a mentally disordered person within the meaning of the Mental Disorders and Treatment Act (Cap. 178); or
  - (j) if the person is convicted, on or after the date of commencement of this section, by a court in Singapore or elsewhere of an offence involving fraud or dishonesty.
- (2) A management corporation may remove a member of its council from office —
- (a) without a general meeting —
    - (i) where he is a subsidiary proprietor at the time of his appointment or election, if all or any part of his contributions or any other moneys levied or recoverable by the management corporation under

this Act in respect of his lot are in arrears for more than 3 months; or

- (ii) where he is a nominee of a subsidiary proprietor, if all or any part of that subsidiary proprietor's contributions or any other moneys levied or recoverable by the management corporation under this Act in respect of the subsidiary proprietor's lot are in arrears for more than 3 months; or

(b) by ordinary resolution at a general meeting in any other case, including on any of the following grounds:

- (i) misconduct;
- (ii) neglect of duty; or
- (iii) incapacity or failure to carry out satisfactorily the duties of his office.

(3) Upon the occurrence of a vacancy in the office of the chairperson, secretary or treasurer or other member of the council, otherwise than by reason of subsection (1)(e) or (f), the council may appoint a person eligible for election as such to fill the vacancy, and any person so appointed shall hold that office for the balance of his predecessor's term of office.

(4) The members for the time being of the council shall, notwithstanding anything in the Second Schedule, constitute a quorum at a meeting of the council for the purpose only of —

- (a) appointing a person under subsection (3) to fill a vacancy in the office of the chairperson, secretary, treasurer or other member of a council; or
- (b) convening a general meeting of the management corporation for that purpose.

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

**55.**—(1) The chairperson, secretary and treasurer of the council of a management corporation shall be the chairperson, secretary and treasurer of the management corporation.

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

(3) A person —

(a) shall not be appointed to the office of chairperson, secretary or treasurer of the council unless he is a member of the council; and

(b) subject to this section, may be appointed to one or more of those offices.

(4) A person appointed to the office of chairperson, secretary or treasurer of the council shall hold office until —

(a) he ceases to be a member of the council;

(b) the receipt by the management corporation from him of a notice in writing of his resignation from that office; or

(c) another person is appointed by the council or by the management corporation in a general meeting to hold that office,

whichever first happens.

(5) Notwithstanding anything in this Act, a person appointed to the office of chairperson, secretary or treasurer of the council of a management corporation shall not resign his office until —

(a) a meeting of the council is first convened for the purpose of appointing another person to fill his vacancy; and

(b) a general meeting is first convened for the purpose of electing another person to fill his vacancy,

and any purported resignation or vacation of office in breach of this subsection shall be deemed to be invalid.

(6) If a management corporation carries on business without any chairperson, secretary and treasurer for more than 6 months, every person who, for the whole or any part of that period that the

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management corporation is so carrying on business after those 6 months —

- (a) is a subsidiary proprietor constituting the management corporation; and
- (b) knows that the management corporation is carrying on business in that manner,

shall be jointly and severally liable for the payment of all the debts of the management corporation contracted during the period after those 6 months or, as the case may be, that part of it, and may be sued therefore.

(7) Notwithstanding any other provision of this Act, no individual shall be elected or appointed under this section to hold office as the treasurer of any management corporation or the treasurer of a council for more than 2 consecutive terms.

### **Duties of secretary of council**

**56.** The duties of the secretary of the council of a management corporation shall include the following:

- (a) to prepare and distribute minutes of meetings of the management corporation and submit a motion for confirmation of the minutes of any meeting of the management corporation at the next such meeting;
- (b) to give on behalf of the management corporation and of the council the notices required to be given under this Act;
- (c) to maintain the strata roll;
- (d) to enable the inspection of documents on behalf of the management corporation in accordance with section 47;
- (e) to answer communications addressed to the management corporation;
- (f) to convene meetings of the council and (apart from its first annual general meeting) of the management corporation; and

- (g) to attend to matters of an administrative or secretarial nature in connection with the exercise, by the management corporation or the council, of its functions.

### **Duties of treasurer of council**

**57.—(1)** The duties of the treasurer of the council of a management corporation shall include the following:

- (a) to notify subsidiary proprietors of any contributions levied in accordance with this Act;
- (b) to receive, acknowledge, bank and account for any money paid to the management corporation;
- (c) to prepare any certificate applied for under section 47(1)(c); and
- (d) to keep the accounting records and prepare the financial statements of the management corporation.

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

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

(3) The treasurer of a management corporation may delegate the exercise or performance of any of his powers (other than this power of delegation), duties or functions as treasurer, the delegation of which is

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specifically approved by the council of the management corporation, to another member of the council so approved, subject to such limitations as to time or otherwise as are so approved.

(4) While a delegate is acting in accordance with the terms of a delegation under subsection (3), he shall be deemed to be the treasurer of the management corporation.

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

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

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

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

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

(4) In subsection (1), “restricted matter”, in relation to a council of a management corporation, means —

- (a) any matter a decision on which may, in accordance with any provision of this Act or the by-laws, only be made by the management corporation pursuant to a unanimous resolution, special resolution, 90% resolution, comprehensive resolution, resolution by consensus or in a general meeting of the management corporation, or only by the council at a meeting; and

- (b) any matter referred to in section 59 and specified in a resolution of that management corporation passed for the purposes of that section.

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

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

### **Disclosure of interests in contracts, property, offices, etc.**

**60.—(1)** Subject to subsections (2) and (3), if a member of a council has a pecuniary interest, direct or indirect, in any contract, proposed contract or other matter which is before any meeting of the council or management corporation, he shall at that meeting —

- (a) declare the nature of his interest;
- (b) not take part in the consideration or discussion of, or vote on any question with respect to, that contract or proposed contract or other matter; and
- (c) if the chairman or the person presiding at that meeting so directs, withdraw from the meeting during the consideration or discussion unless asked by the council to be present to provide information.

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

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

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nature and extent so specified in the general notice at the time any contract is so made.

(4) No such notice shall be of effect unless —

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

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

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

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

as the case requires.

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

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

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

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

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

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

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

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

(a) be liable to the management corporation for any profit made by him or for any damage suffered by the management corporation as a result of the breach of any such provision; and

(b) be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

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

(5) In this section —

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

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

*Division 4 — Subsidiary proprietors and occupiers*

**Share values**

**62.**—(1) The share value of a lot as shown in a schedule of strata units shall determine —

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- (a) the voting rights of the subsidiary proprietors of that lot;
  - (b) the quantum of the undivided share of the subsidiary proprietor of that lot in the common property comprised in that strata title plan; and
  - (c) subject to sections 41 and 108(3), the amount of contributions that may be levied by a management corporation on the subsidiary proprietor of the lot.

(2) Except as provided in this Act or the Land Titles (Strata) Act (Cap. 158), the share value of any lot shall not be altered in any manner on or after the date of constitution of the management corporation.

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

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

- (a) do anything or permit anything to be done on or in relation to that lot so that —
  - (i) any support or shelter provided by that lot for another lot or common property is interfered with; or
  - (ii) the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air and other services (including telephone, radio and television services) through or by means of any pipe, wire, cable or duct for the time being in the lot is interfered with;
- (b) use or enjoy that lot, or permit that lot to be used or enjoyed, in such a manner or for such a purpose as to cause a nuisance or hazard to the occupier of any other lot (whether that person is a subsidiary proprietor or not);
- (c) use or enjoy the common property in such a manner or for such a purpose as to interfere unreasonably with the use or enjoyment of the common property by the occupier of any other lot (whether that person is a subsidiary proprietor or not) or by any other person entitled to the use and enjoyment of the common property; or

- (d) use or enjoy the common property in such a manner or for such a purpose as to interfere unreasonably with the use or enjoyment of any other lot by the occupier of the lot (whether that person is a subsidiary proprietor or not) or by any other person entitled to the use and enjoyment of that lot.

### **Individuals may act for corporate subsidiary proprietors and mortgagees**

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

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

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

(4) A document under the seal of a subsidiary proprietor which is a company purporting to be an authorisation or a revocation of such an authorisation under subsection (1) is admissible in evidence and shall, until the contrary is proved, be deemed to be such an authorisation or revocation, as the case may be.

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

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

(2) Upon the delivery of a transfer of an estate or interest in a lot pursuant to completion of a sale of that lot by its registered subsidiary

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proprietor to the purchaser or his nominee, or by way of gift to a donee, the registered subsidiary proprietor shall within 10 days thereof give to the management corporation written notice of the transfer which shall identify the lot and —

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

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

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

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

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

- (a) specify the date on which the discharge was so delivered; and
  - (b) bear written confirmation by the mortgagee of the discharge of the mortgage.
- (6) After the delivery by a mortgagee of a dealing, being a transfer or sub-mortgage of a lot, the transferee or sub-mortgagee may give to the management corporation written notice of the dealing which shall identify the lot and —
  - (a) specify the name of the transferee or sub-mortgagee in full and an address within Singapore for service of notices on the transferee or sub-mortgagee and the date on which the transfer or sub-mortgage was so delivered; and
  - (b) bear written confirmation by the transferor or sub-mortgagor of the accuracy of the information contained in the notice.
- (7) After the entry into possession of a lot by a mortgagee, the mortgagee shall give to the management corporation written notice which shall identify the lot and specify the date on which he entered into possession.
- (8) Where a management corporation has reason to believe that a person is required under this section to give a notice to it and the management corporation has not received that notice, the management corporation may serve a notice on that person specifying the capacity in which it believes he is obliged to give the notice and requiring him —
  - (a) to state within 14 days whether or not he is a person obliged to give a notice in that capacity; and
  - (b) if he is such a person, to give that notice.
- (9) Where a management corporation has served a notice under subsection (8) on a person whom it believes to be a person entitled to give a notice to the management corporation under this section and that person has not complied with the first-mentioned notice, that person shall not be entitled to cast a vote at any general meeting of the

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management corporation until he has complied with the first-mentioned notice.

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

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

*Division 5 — Managing agents*

**Appointment of managing agent of management corporation**

**66.**—(1) Subject to subsection (3), a managing agent for a management corporation may be appointed —

- (a) by the management corporation by ordinary resolution; or
- (b) by the council of the management corporation without a general meeting if duly authorised to do so by the subsidiary proprietors at the last preceding general meeting of the management corporation.

(2) Any managing agent appointed under subsection (1) by a management corporation shall hold office until —

- (a) the conclusion of the third annual general meeting of the management corporation after his appointment;
- (b) the expiry of the term of his appointment; or
- (c) the termination of his appointment in accordance with this section,

whichever first occurs.

(3) The fees and expenses of a managing agent shall be fixed —

- (a) where the managing agent is appointed under subsection (1)(a) — by the management corporation at a general meeting or, if so authorised by the subsidiary

proprietors at the last preceding general meeting, by the council of the management corporation;

(b) where the managing agent is appointed under subsection (1)(b) or (c) — by the council of the management corporation without a general meeting.

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

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

(6) A management corporation may terminate the appointment of its managing agent under this section at any time in accordance with the terms of the appointment —

(a) if authorised by ordinary resolution at a general meeting; or

(b) without a general meeting if authorised by its subsidiary proprietors at the last preceding general meeting.

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

**67.—**(1) Subject to subsection (2), a management corporation may, by instrument in writing, delegate to its managing agent appointed under section 66(1) —

(a) all of its powers, duties and functions;

(b) any one or more of its powers, duties and functions specified in the instrument; or

(c) all of its powers, duties and functions except those specified in the instrument.

(2) A management corporation shall not under this section delegate to a managing agent its power to make —

(a) a delegation under this section;

(b) a decision on any matter which may, in accordance with any provision of this Act or the by-laws, only be made by the management corporation pursuant to a unanimous

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resolution, a special resolution, a 90% resolution, a resolution by consensus or at a general meeting of the management corporation; or

(c) any matter referred to in section 59 and specified in a resolution of that management corporation passed for the purposes of that section.

(3) Where an ordinary resolution of the management corporation so provides, a managing agent shall have and may exercise the powers and perform all the duties and functions of the chairperson, secretary or treasurer or the council of the management corporation or such of those powers, duties and functions as may be specified in the resolution.

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

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

(6) Notwithstanding any delegation made under this section, a management corporation or, in the case of a delegation under subsection (3), the chairperson, secretary or treasurer or the council of the management corporation may continue to exercise or perform all or any of the delegated powers, duties or functions.

(7) Any act or thing done or suffered by a managing agent while acting in the exercise of a delegation under subsection (1) shall —

(a) have the same force and effect as if it had been done or suffered by the management corporation; and

(b) be deemed to have been done or suffered by the management corporation.

(8) Any act or thing done or suffered by a managing agent while acting in the exercise of a delegation under subsection (3) shall —

- (a) have the same force and effect as if it had been done or suffered by the chairperson, secretary, treasurer or council of the management corporation, as the case may be; and
- (b) be deemed to have been done or suffered by the chairperson, secretary, treasurer or council of the management corporation, as the case may be.

(9) Where —

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

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

### **Prohibited activity for managing agent**

**68.**—(1) Subject to this Act, no managing agent shall, whether personally or in the person of his employee or agent —

- (a) by word, message, writing or in any other manner endeavour to persuade any person to give, or to dissuade any person from giving, his vote (by proxy or in person) in any particular way at any election of members of the council of a management corporation or executive committee of a subsidiary management corporation;
- (b) visit any person entitled to vote at that election at his home or place of work for the purposes of any candidate's election at that election; or
- (c) conduct any other activity for the purposes of any candidate's election at that election.

(2) A vote by a proxy who is a managing agent shall be invalid if it would obtain or assist in obtaining a pecuniary interest for, or confer or assist in conferring any other material benefit on the proxy.

(3) Any managing agent who contravenes subsection (1) shall be guilty of an offence.

(4) In this section, unless the context otherwise requires —

“for the purposes of any candidate’s election” means with a view to, or otherwise in connection with, promoting or procuring the candidate’s election at an election of members of the council of a management corporation or (as the case may be) the executive committee of a subsidiary management corporation, and includes prejudicing the electoral prospects of another candidate at that election;

“material benefit” includes, but shall not be limited to, the following:

- (a) an extension of the term or an additional term of appointment of the proxy as managing agent;
- (b) an increase in the remuneration of the proxy;
- (c) a decision of the owners corporation not to proceed with, to withdraw, to delay, to compromise or to settle litigation or other legal proceedings relating to the proxy; or
- (d) any other decision of the management corporation that affects litigation or other legal proceedings relating to the proxy.

*Division 6 — Insurance*

**Interpretation of this Division**

**69.** In this Division, unless the context otherwise requires —

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

(a) for —

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

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

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

“subdivided building” includes —

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

but does not include —

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

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**Insurance of subdivided buildings**

**70.**—(1) Unless otherwise directed by a resolution by consensus, the management corporation constituted in respect of a strata title plan shall insure every subdivided building shown in the strata title plan and keep the building insured under a damage policy.

(2) A damage policy may provide that, instead of the work and the payments specified in the definition of “damage policy” in section 69 being carried out or made upon the occurrence of any of the events specified in that definition, the liability of the insurer shall, upon the occurrence of any such event, be limited to an amount specified in the policy that is not less than an amount calculated in the prescribed manner.

**Further insurance by management corporation**

**71.**—(1) In addition to insurance effected by a management corporation under section 70, the management corporation shall effect insurance —

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

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

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

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

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

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

(7) Where an insurer of a management corporation admits a claim by the management corporation based on an act or omission by a subsidiary proprietor who is a member of the management corporation, the insurer shall not have a right of subrogation in relation to the subsidiary proprietor based on that act or omission unless it was proved that the act or omission is wilful.

### **Insurance by subsidiary proprietor**

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

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

### **Insurance of mortgaged lot**

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

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

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

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

- (a) is in respect of damage to the same lot; and
- (b) relates to the same debt,

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

**Rebuilding**

74. Subject to any order made under section 77 or 78 of the Land Titles (Strata) Act (Cap. 158) (relating to the termination of a strata subdivision scheme), where a management corporation receives payment of moneys from an insurer in respect of destruction of or damage to a subdivided building, those moneys shall immediately be applied by the management corporation in rebuilding, replacing, repairing or restoring the subdivided building, as the case may require.

**Insurable interest of management corporation**

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

*Division 7 — Subsidiary management corporations and limited common property*

**Application of this Division**

76.—(1) Subject to subsection (2), this Division shall apply only to any development on a parcel —

- (a) which is intended for strata subdivision; and
- (b) in respect of which the approval for its building work plans is granted on or after the commencement of this Division.

(2) Notwithstanding subsection (1), this Division may apply to such other parcel, or other class of parcels, comprised in a strata title plan as the Minister may, by order published in the *Gazette*, extend the application of this Division to.

(3) The Minister may prescribe in the order under subsection (2) such other transitional, incidental and consequential matters arising from the extension of this Division to any parcel not referred to in subsection (1).

(4) Every order made under subsection (2) shall be presented to Parliament as soon as possible after publication in the *Gazette*.

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**Limited common property and subsidiary management corporations allowed**

77.—(1) Subject to subsection (3), a strata title plan may have limited common property and one or more subsidiary management corporations only for the purpose of representing the different interests of —

- (a) subsidiary proprietors of residential lots and subsidiary proprietors of non-residential lots;
- (b) subsidiary proprietors of non-residential lots —
  - (i) if they use their lots for significantly different purposes; or
  - (ii) if the lots of some of these subsidiary proprietors are comprised in a building that is physically detached from other lots in the strata title plan, the creation of any limited common property to represent the interests of these subsidiary proprietors will not adversely affect the use or enjoyment of the lots of the other subsidiary proprietors and the conditions prescribed, if any, for this purpose are satisfied; or
- (c) subsidiary proprietors of different types of residential lots.

(2) For the purposes of subsection (1)(c), lots are of different types if they fall within the criteria prescribed in regulations.

**Creation, etc., of limited common property**

78.—(1) Common property comprised or to be comprised in a strata title plan may be designated as limited common property —

- (a) where the common property is part of a parcel referred to in section 76(1) —
  - (i) by the owner developer thereof by a designation on the strata title plan for that parcel when that strata title plan is filed with the Chief Surveyor; or
  - (ii) by the management corporation constituted in respect of that strata title plan pursuant to a comprehensive

resolution and in accordance with subsection (2)(b);  
or

- (b) where the common property is part of a parcel referred to in an order made under section 76(2) — by the management corporation constituted in respect of that strata title plan pursuant to a comprehensive resolution and in accordance with subsection (2)(b).

(2) Subject to subsection (3), common property comprised or to be comprised in a strata title plan shall be designated as limited common property —

- (a) in the case of designation by the owner developer under subsection (1)(a), by a designation on the strata title plan filed with the Chief Surveyor for that parcel that —
- (i) describes the limited common property or identifies or defines the boundaries or area of the limited common property on that strata title plan; and
  - (ii) specifies each lot comprised in that strata title plan whose subsidiary proprietors are entitled to the exclusive benefit of the limited common property; or
- (b) by a comprehensive resolution passed by the management corporation constituted in respect of that strata title plan that —
- (i) describes the limited common property or identifies or defines the boundaries or area of the limited common property on the strata title plan;
  - (ii) specifies each lot comprised in that strata title plan whose subsidiary proprietors are entitled to the exclusive benefit of the limited common property; and
  - (iii) is filed with the Chief Surveyor.

(3) For the avoidance of doubt, the designation of limited common property by an owner developer under subsection (1)(a)(i) or by a comprehensive resolution under subsection (2)(b) —

- (a) need not require an amendment to any strata title plan; and

- (b) need not identify or define the area of the limited common property provided that the designation or (as the case may be) resolution prescribes a method of identifying or defining the limited common property.

(4) Any designation of common property as limited common property —

- (a) by an owner developer of a parcel to be comprised in a strata title plan shall take effect only when the management corporation is constituted for that strata title plan under the Land Titles (Strata) Act (Cap. 158); or
- (b) by comprehensive resolution under subsection (2)(b) shall take effect only when the comprehensive resolution is filed with the Chief Surveyor.

(5) Any designation of common property as limited common property by an owner developer may only be removed or amended in accordance with subsection (6) or (7) or section 84.

(6) The management corporation constituted for any common property subject to a strata title plan and any subsidiary management corporation constituted for limited common property subject to the same strata title plan may accept and execute such documents to alter any boundary between their common property and limited common property, respectively, if —

- (a) the management corporation, pursuant to a comprehensive resolution under subsection (2)(b), determines to alter the boundary between its common property and the limited common property; and
- (b) the subsidiary management corporation, pursuant to a comprehensive resolution under subsection (2)(b), also determines to similarly alter the boundary between its common property and the limited common property.

(7) Subject to subsection (8), a subsidiary management corporation constituted for any limited common property subject to a strata title plan and any other subsidiary management corporation constituted for other limited common property subject to the same strata title plan may, without affecting the boundaries of their respective limited

common properties with the common property within that strata title plan, accept and execute such documents to amalgamate their respective limited common properties or alter any boundary between their respective limited common properties within the strata title plan if —

- (a) the first-mentioned subsidiary management corporation, pursuant to a comprehensive resolution under subsection (2)(b), determines —
  - (i) to alter the boundary between its limited common property and the other subsidiary management corporation's limited common property; or
  - (ii) to amalgamate its limited common property with the other subsidiary management corporation's limited common property and to merge both subsidiary management corporations to constitute a single subsidiary management corporation for the amalgamated limited common property, seized of, holding and possessing all rights and interests and subject to all liabilities and obligations of the amalgamating subsidiary management corporations; and
- (b) that other subsidiary management corporation, pursuant to a comprehensive resolution under subsection (2)(b), also determines similarly —
  - (i) to alter the boundary between its limited common property and the other subsidiary management corporation's limited common property; or
  - (ii) to amalgamate its limited common property with the other subsidiary management corporation's limited common property and to merge both subsidiary management corporations to constitute a single subsidiary management corporation for that amalgamated limited common property, seized of, holding and possessing all rights and interests and subject to all liabilities and obligations of the amalgamating subsidiary management corporations.

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(8) Nothing in subsection (7) shall authorise any subsidiary management corporation to amalgamate its limited common property in a manner that is contrary to section 77.

(9) For the avoidance of doubt, the Chief Surveyor shall not be taken to warrant or certify the correctness of the boundaries of any limited common property or the validity of the creation of such limited common property by his accepting any comprehensive resolution or any accompanying plan showing the boundaries or containing a description of that limited common property.

### **Subsidiary management corporation and its functions**

**79.**—(1) The subsidiary management corporation constituted by virtue of the Land Titles (Strata) Act (Cap. 158) for any limited common property comprised in a strata title plan shall —

- (a) comprise the subsidiary proprietors from time to time of all lots comprised in that strata title plan for whose exclusive benefit the limited common property is designated on that strata title plan or by comprehensive resolution under section 78(2);
- (b) be a body corporate capable of suing and being sued and having perpetual succession and a common seal; and
- (c) be called “The Subsidiary Management Corporation No. \_\_\_\_\_ — Strata Title Plan No. \_\_\_\_\_” (the number to be specified being the number of the strata title plan).

(2) After the creation of any limited common property, the management corporation shall retain its powers and duties in matters concerning common property.

(3) The subsidiary management corporation shall have the same powers and duties as the management corporation with respect to any matter that relates solely to the limited common property designated for the exclusive benefit of all subsidiary proprietors comprising the subsidiary management corporation except the powers under section 34(1)(a), (3) and (5), sections 35, 37, 46 and 86 and Division 6 of this Part, and unless expressly otherwise provided, the provisions of this Part shall apply, with the necessary modifications, to

subsidiary management corporations as they apply to management corporations.

(4) Without prejudice to the generality of subsection (3), the subsidiary management corporation shall —

- (a) establish its own management fund and sinking fund for the common expenses of its limited common property, including expenses related to its limited common property;
- (b) require subsidiary proprietors of lots in the subsidiary management corporation to pay contributions and levies for expenditure the subsidiary management corporation authorises;
- (c) enforce by-laws relating to its limited common property; and
- (d) otherwise have the control, management and administration of its limited common property.

(5) A subsidiary management corporation shall not enter into any contract or sue in the name of the management corporation and the management corporation shall have no liability for contracts made or debts or legal costs incurred by the subsidiary management corporation.

(6) A subsidiary management corporation may obtain insurance only —

- (a) against risks that are not insured by the management corporation; or
- (b) for amounts that are in excess of amounts insured by the management corporation.

(7) For the purposes of subsection (6), a subsidiary management corporation shall have the same insurable interest in its limited common property as the management corporation has in property contained within common property.

(8) Notwithstanding any other provisions of this Act, a subsidiary management corporation for any limited common property comprised in a strata title plan may manage and maintain —

- (a) any common property within that same strata title plan; or
- (b) any other limited common property of another subsidiary management corporation within that strata title plan,

upon such terms and conditions as may be agreed between the subsidiary management corporation and the management corporation or other subsidiary management corporation, as the case may be.

### **Administration of subsidiary management corporation**

**80.**—(1) The eligible subsidiary proprietors who constitute a subsidiary management corporation may call and hold meetings and pass resolutions in the same manner as eligible subsidiary proprietors of a management corporation.

(2) The First Schedule shall also have effect with respect to the general meetings of a subsidiary management corporation.

(3) Subject to subsection (4), each subsidiary management corporation shall elect an executive committee for the subsidiary management corporation, and the executive committee of a subsidiary management corporation shall have the same powers and duties with respect to the subsidiary management corporation as the council of a management corporation has with respect to the management corporation.

(4) At least one member of the executive committee of a subsidiary management corporation shall be a member of the council of the management corporation.

(5) The provisions in Division 3 shall apply, with the necessary modifications, to the executive committee of a subsidiary management corporation and its officers as they apply to the council of a management corporation and its officers.

(6) The Second Schedule shall also have effect with respect to the proceedings of an executive committee of a subsidiary management corporation.

### **Expenses of subsidiary management corporation**

**81.** The expenses of a subsidiary management corporation that relate solely to its limited common property shall be shared by the

subsidiary proprietors from time to time of all lots entitled under this Division to the exclusive use of the limited common property, and each lot's share of contribution shall be calculated as follows:

A x C

B

where A is the share value of a lot;

B is the aggregate share value of all lots entitled under this Division to the exclusive use of the limited common property; and

C is the total contributions determined by the subsidiary management corporation as payable by subsidiary proprietors of all lots entitled under this Division to the exclusive benefit of the limited common property.

### **By-laws for limited common property**

**82.**—(1) A management corporation's by-laws shall apply to the limited common property managed and maintained by a subsidiary management corporation unless the by-laws have been otherwise expressly amended —

- (a) by the subsidiary management corporation pursuant to a special resolution passed at a general meeting of the subsidiary management corporation; and
- (b) in respect of any matter that relates solely to that limited common property or subsidiary management corporation.

(2) A subsidiary management corporation may make by-laws relating to the limited common property designated for the exclusive use of all the lots in the subsidiary management corporation.

(3) Without limiting the operation of any other provisions of this Act, any by-laws made by a subsidiary management corporation under this section for the time being in force shall bind the subsidiary management corporation and the subsidiary proprietors of lots constituting that subsidiary management corporation, and any mortgagee in possession (whether by himself or any other person), lessee or occupier of such a lot to the same extent as if the by-laws —

- (a) had been signed and sealed by the subsidiary management corporation, and each such subsidiary proprietor and each such mortgagee, lessee and occupier, respectively; and
- (b) contained mutual covenants to observe, comply and perform all the provisions of these by-laws.

(4) Sections 32 and 33 shall apply, with the necessary modifications, to the by-laws of a subsidiary management corporation as they apply to the by-laws of a management corporation.

**Judgments against management corporation relating to limited common property**

**83.**—(1) If a judgment against the management corporation relates solely to the lots whose subsidiary proprietors constitute a subsidiary management corporation, the judgment shall be against only the subsidiary proprietors of those lots.

(2) A lot's share of a judgment referred to in subsection (1) shall be calculated in accordance with section 81 as if the amount of the judgment were a contribution to the management fund and sinking fund, and a subsidiary proprietor's liability shall be limited to that proportionate share of the judgment.

*Division 8 — Termination of strata scheme*

**Termination of management corporation, etc.**

**84.**—(1) A management corporation in respect of a strata title plan may, by a resolution by consensus, resolve that the strata scheme shown in the strata title plan be terminated.

(2) A subsidiary management corporation for a limited common property comprised in a strata title plan may be dissolved and the designation of its limited common property abolished if —

- (a) by comprehensive resolution, the management corporation constituted in respect of the same strata title plan resolves that —
  - (i) the subsidiary management corporation be dissolved;

- (ii) the subsidiary management corporation's limited common property ceases to be designated as limited common property but be part of the common property comprised in that strata title plan; and
  - (iii) the management corporation shall hold and possess all rights and interests, and be subject to all liabilities and obligations, of the subsidiary management corporation subsisting immediately before the dissolution; and
- (b) by comprehensive resolution, the subsidiary management corporation concerned resolves that —
- (i) it be dissolved;
  - (ii) its limited common property ceases to be designated as limited common property but be part of the common property comprised in that strata title plan; and
  - (iii) the management corporation shall hold and possess all its rights and interests, and be subject to all its liabilities and obligations, subsisting immediately before the dissolution.

(3) Nothing in this section shall apply in derogation of Part V of the Land Titles (Strata) Act (Cap. 158).

*Division 9 — Miscellaneous*

**Management corporation, etc., may represent subsidiary proprietors in proceedings**

**85.—**(1) Where all or some of the subsidiary proprietors of the lots in a parcel comprised in a strata title plan are jointly entitled to take —

- (a) proceedings for or with respect to the common property in that parcel against any person or are liable to have such proceedings taken against them jointly; or

- (b) proceedings for or with respect to any limited common property in that parcel against any person or are liable to have such proceedings taken against them jointly,

the proceedings may be taken by or against the management corporation in the case of paragraph (a), or the subsidiary management corporation constituted for that limited common property in the case of paragraph (b), as if it were the subsidiary proprietors of the lots concerned.

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

(3) Where a subsidiary proprietor is liable to make a contribution to another subsidiary proprietor in respect of a judgment debt arising under a judgment referred to in subsection (2), the amount of that contribution shall bear to the judgment debt —

- (a) the same proportion as the share value of the lot of the first-mentioned subsidiary proprietor bears to the aggregate share value, in the case of a judgment or an order for or against a management corporation; or
- (b) the same proportion as calculated in accordance with section 81, in the case of a judgment or an order for or against a subsidiary management corporation.

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

**86.** Where —

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

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

**Costs in proceedings by subsidiary proprietors against management corporation, etc.**

**87.**—(1) In any proceedings brought —

- (a) by one or more subsidiary proprietors against the management corporation or subsidiary management corporation; or
- (b) by the management corporation or subsidiary management corporation against one or more subsidiary proprietors (including subsidiary proprietors joined in third party proceedings),

the court or a Board may order that any moneys (including costs) payable by the management corporation or subsidiary management corporation under an order of the court or a Board, as the case may be, in those proceedings shall be paid, in respect of such lots as are specified in the order and in such proportions as may be specified, by the management corporation or subsidiary management corporation out of contributions levied for the purpose.

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

(3) Section 40 (with the exception of subsection (2)) shall apply to and in respect of contributions levied under subsection (2) in the same way as it applies to contributions levied under that section.

**Breaches of this Part**

**88.**—(1) If a management corporation or subsidiary management corporation commits a breach of any provision of this Part, or makes default in complying with any requirement of, or duty imposed on it by, any provision of this Part, a subsidiary proprietor or mortgagee in possession or occupier of a lot shall be entitled to apply to the court —

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- (a) for an order to restrain the breach of any such provision by;  
or
  - (b) to recover damages for any loss or injury to the subsidiary proprietor, mortgagee in possession, or occupier or property arising out of the breach of any such provision from,

the management corporation or subsidiary management corporation, as the case may be.

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

(3) Where a requirement or duty is imposed on a management corporation or subsidiary 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 or subsidiary management corporation, as the case may be, may apply to the court for an order compelling the management corporation or subsidiary management corporation, as the case may be, to carry out the requirement or perform the duty and, on such an application being made, the court may make such order as it thinks proper.

## PART VI

### DISPUTES AND STRATA TITLES BOARDS

#### *Division 1 — Strata Titles Boards*

#### **Strata Titles Boards**

**89.**—(1) There shall be one or more Strata Titles Boards to be presided over by a president or deputy president.

(2) Unless otherwise provided by this Act or the Land Titles (Strata) Act (Cap. 158), a Board shall determine by mediation-arbitration every dispute of which it has cognizance and every matter with respect to which it has jurisdiction under this Act or that Act.

(3) Except where otherwise provided by this Act or the Land Titles (Strata) Act, a Board shall, in relation to a dispute of which the Board has cognizance or any other matter with respect to which the Board has jurisdiction under this Act or that Act, be constituted by —

- (a) the president or a deputy president; and
- (b) 2 or 4 members selected by the president for the purposes of the dispute or matter from the panel constituted under section 90(4).

(4) Any party to a dispute of which a Board has cognizance or a matter with respect to which a Board has jurisdiction under this Act or the Land Titles (Strata) Act may, within the prescribed period and for any reasonable cause, object in writing to any member of the Board selected by the president under subsection (3)(b).

(5) The Board shall be constituted —

- (a) upon the expiration of the prescribed period if the registrar appointed under section 99(1) does not earlier receive any objection under subsection (4);
- (b) if any objection received under subsection (4) is allowed by the president, upon the selection of another member by the president; or
- (c) if any objection received under subsection (4) is disallowed by the president, upon the decision to disallow the objection.

### **President, etc., and panel**

**90.—**(1) The Minister shall appoint a president of the Boards.

(2) The Minister may appoint not more than 3 deputy presidents of the Boards.

(3) No person shall be appointed as the president or a deputy president of the Boards unless the person is a qualified person within the meaning of the Legal Profession Act (Cap. 161).

(4) For the purpose of enabling the Boards to be constituted in accordance with this Part, a panel consisting of not more than 30

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persons shall be appointed by the Minister and their names shall be notified in the *Gazette*.

(5) The president, a deputy president and any person appointed as a member of the panel constituted under subsection (4) shall, subject to subsection (6), be appointed for a term of 2 years, and shall be eligible for reappointment.

(6) The Minister may at any time terminate the appointment of the president or any deputy president or member of the panel constituted under subsection (4), and fill any vacancy in its membership.

### **Protection of Board members**

**91.** The president, a deputy president and a member of a Board shall, in the performance of his functions and duties under this Act or the Land Titles (Strata) Act (Cap. 158), have the same protection and immunity as a District Judge.

### **Proceedings of Board**

**92.—**(1) A Board shall, without delay after being constituted in respect of any dispute or matter with respect to which it has jurisdiction under this Part —

- (a) endeavour to mediate all matters that are in dispute and to bring about an agreement between the parties on those matters; and
- (b) if the Board is unable to do so at the end of a period (continuous or otherwise) of not more than 3 days of mediation, hear the parties to the dispute, arbitrate the matter and render a decision and make an order.

(2) Subject to the provisions of this Act or the Land Titles (Strata) Act (Cap. 158), a Board shall determine the procedure for mediation-arbitration, but shall allow the parties to present evidence and make submissions to it.

(3) Without prejudice to subsection (2), a Board shall —

- (a) for the purposes of the mediation referred to in subsection (1)(a), ensure that any agreement arrived at between the parties in settlement of the dispute or matter is

in appropriate contractual language so as to allow its subsequent enforcement; and

(b) for the purposes of the arbitration referred to in subsection (1)(b), act fairly and impartially and shall give each party an opportunity to present its case.

(4) For the purposes of arbitration under subsection (1)(b), a Board shall have powers to make orders or give directions to any party for —

(a) security for costs;

(b) discovery of documents and interrogatories;

(c) giving of evidence by affidavit;

(d) the preservation and interim custody of any evidence for the purposes of the proceedings;

(e) samples to be taken from, or any observation to be made of or experiment conducted upon, any lot or common property or limited common property which is or forms part of the subject-matter of the dispute; and

(f) the preservation or interim custody of any property which is or forms part of the subject-matter of the dispute.

(5) For the avoidance of doubt, all testimony or record of proceedings or notes of a Board during its conduct of mediation in any dispute or matter of which it has cognizance may not be disclosed without the consent of the person who made them.

(6) The Arbitration Act (Cap. 10) shall not apply to mediation-arbitration proceedings before a Board.

(7) The arbitration proceedings of a Board shall be open to the public and minutes of a Board including a note of any oral evidence given before the Board shall be kept by the president of the Boards.

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

(9) A Board shall carry out its work expeditiously and shall make a final order or determination within 6 months from the date it is

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constituted or within such extension of time as may be granted by the Minister.

### **Continuation of hearing**

**93.**—(1) Except as otherwise provided in subsection (3), where a Board has been constituted in relation to a dispute or matter and before a dispute or matter has been determined, the president or deputy president presiding or a member constituting the Board is unable to hear or continue to hear or to determine the dispute or matter or has ceased to be the president or a deputy president or member, as the case may be, whether by resignation, death or otherwise, the Board shall be reconstituted in accordance with section 89.

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

(3) Notwithstanding subsection (1), a president, a deputy president or a member of the panel whose appointment expires during the course of any proceedings of a Board of which he is then presiding or is a member shall, for the purpose of such proceedings and until their determination, be deemed to remain a president, deputy president or member of the Board, as the case may be.

### **Representation before Board**

**94.**—(1) A party to any proceedings under this Act or the Land Titles (Strata) Act (Cap. 158) may appear before a Board or may be represented by an advocate and solicitor of the Supreme Court, or such other person as the Board may allow, who may examine witnesses and address the Board on behalf of the party.

(2) A management corporation or subsidiary management corporation appearing before a Board may be represented by an advocate and solicitor of the Supreme Court, a member of the council of the management corporation or the executive committee of the subsidiary management corporation, or such other person as the Board may allow.

**Board has no jurisdiction regarding title to land**

**95.** Notwithstanding any other provisions of this Part, a Board shall not have jurisdiction under this Part in any case in which the title to land is in question otherwise than for the purpose of determining any matter before the Board, as the case may be, and any determination made by the Board shall not have any force or effect except as provided by this Act.

**Witnesses may be summoned by Board**

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

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

(3) A person shall not be bound to produce any book, document or writing not specified or otherwise sufficiently described in the summons or which he would not be bound to produce upon a subpoena for production in a court.

**Board may administer oath or affirmation**

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

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

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

(c) shall not knowingly give false testimony in any evidence given by him to the Board.

(3) A witness before a Board shall have —

(a) the same protection; and

(b) in addition to the penalties provided by this Act, the same liabilities,

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

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

**98.**—(1) No appeal shall lie to the High Court against an order made by a Board under this Part or the Land Titles (Strata) Act (Cap. 158) except on a point of law.

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

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

### **Officers of Boards**

**99.**—(1) The Minister may appoint a registrar and such other officers and employees of the Boards as the Minister may determine.

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

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

(4) The remuneration of the registrar, officers and employees appointed under subsection (1), and such other expenses of the

Boards as the Minister may determine, shall be paid out of moneys provided by Parliament.

(5) In this section, “interlocutory order” means an order that —

(a) is made pursuant to an application to a Board in the course of any proceeding of the Board; and

(b) is incidental to the principal object of that proceeding,

and includes any direction about the conduct of that proceeding, but does not include any interim order or any order making a final determination as regards that proceeding.

### **Allowances**

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

### *Division 2 — Types of orders by Board*

#### **General power to make orders to settle disputes or rectify complaints, etc.**

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

(a) any defect in a lot, a subdivided building or its common property or limited common property;

(b) the liability of a subsidiary proprietor to bear the costs of or any part thereof for any work carried out by a management corporation or subsidiary management corporation, as the case may be, in the exercise of its powers or performance of its duties or functions conferred or imposed by this Act or

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the by-laws relating to the subdivided building or limited common property, as the case may be; or

- (c) the exercise or performance of, or the failure to exercise or perform, a power, duty or function conferred or imposed by this Act or the by-laws relating to the subdivided building or limited common property, as the case may be.

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

- (a) any person entitled to make an application under this section; or
- (b) the chairperson, secretary or treasurer of a management corporation or subsidiary management corporation, or its council or executive committee.

(3) Any order made under subsection (1), except an order made with respect to the exercise or performance of, or the failure to exercise or perform, a power, duty or function conferred or imposed by this Act or the by-laws, may provide for the payment of damages not exceeding an amount that may be ordered by a District Court if the dispute had been the subject of civil proceedings in that Court.

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

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

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

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

the management corporation or subsidiary management corporation, as the case may be, shall be deemed to have decided not to exercise or perform that power, duty or function.

(6) Nothing in subsection (1) shall empower a Board to make an order with respect to the exercise or performance of, or the failure to exercise or perform, a power, duty or function of a management corporation or subsidiary management corporation where that power, duty or function may, in accordance with any provision of this Act or the by-laws, only be exercised or performed pursuant to a unanimous resolution, a special resolution, a 90% resolution, a comprehensive resolution or a resolution by consensus.

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

(8) In any proceedings under this section with respect to any alleged defect in a lot or in any common property or limited common property situated immediately (whether wholly or partly) above another lot or any common property or limited common property, it shall be presumed, in the absence of proof to the contrary, that the defect is within that lot or common property or limited common property, as the case may be, above if there is any evidence of dampness, moisture or water penetration —

- (a) on the ceiling that forms part of the interior of the lot, common property or limited common property, as the case may be, immediately below; or
- (b) on any finishing material (including plaster, panel or gypsum board) attached, glued, laid or applied to the ceiling that forms part of the interior of the lot, common property or limited common property, as the case may be, immediately below.

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**Order to convene meetings**

**102.**—(1) A Board may, on application and if it considers it to be in the interest of the management corporation or subsidiary management corporation, as the case may be, make an order appointing a person nominated by the applicant (and who has consented to that nomination) to convene —

(a) a meeting of the management corporation or subsidiary management corporation, as the case may be, if, after the first annual general meeting —

(i) there is no council or executive committee; or

(ii) the council or executive committee, as the case may be, does not appoint a person to fill the vacancy or vacancies in any office of that council or executive committee and have not convened a general meeting of the management corporation or subsidiary management corporation, as the case may be, for that purpose; or

(b) a meeting of the council of a management corporation or the executive committee of a subsidiary management corporation, as the case may be, if there is not elected a chairperson, secretary and treasurer of the council or executive committee after the first meeting of the council of the management corporation or the executive committee of the subsidiary management corporation, as the case may be,

for the purpose of electing or appointing a person or persons to fill the vacancy or vacancies in that office or those offices.

(2) Without prejudice to subsection (1), where a default is made by a management corporation or subsidiary management corporation in holding any general meeting (other than the first annual general meeting), a Board may, on application, order the management corporation or subsidiary management corporation, as the case may be, to convene a general meeting.

(3) Any meeting ordered under subsection (1) or (2) shall be convened and held within such time as is specified in the order.

(4) A meeting held under subsection (1)(b) shall be taken to be held by the council of the management corporation or the executive committee of the subsidiary management corporation, as the case may be.

(5) An order made under this section may include such ancillary or consequential provisions as the Board thinks fit.

(6) If an order under this section so provides —

(a) the person appointed to convene a general meeting of a management corporation or subsidiary management corporation by the order shall preside at the meeting and, while the person so presides, is taken to be the chairperson of the management corporation or (as the case may be) the subsidiary management corporation; and

(b) notice of that meeting may be given in the manner specified in the order.

(7) Only a subsidiary proprietor or other person entitled to vote at a meeting may make an application under this section for an order to convene that meeting.

### **Order to invalidate proceedings**

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

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

(b) refuse to invalidate any such resolution or election.

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

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

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

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

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

- (a) was improperly denied a vote on the motion for the resolution; or  
(b) was not given due notice of the item of business pursuant to which the resolution was passed,

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

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

(3) Where —

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

(b) the by-law made pursuant to that resolution is in force,

the by-law shall, subject to its having been or being amended, added to or repealed under section 32, 33 or 82, as the case may be, have force and effect on and from the date the order is so made to the same extent as it would have had if the resolution had not been passed.

**Order revoking amendment of by-law**

**105.**—(1) Where, pursuant to an application by any person entitled to vote at a meeting of the management corporation or subsidiary management corporation (including both a first mortgagee and a

mortgagor of a lot), a Board considers that, having regard to the interest of all subsidiary proprietors in the use and enjoyment of their lots or the common property or (as the case may be) limited common property, an amendment or repeal of a by-law or addition of a new by-law should not have been made or effected, the Board may order that the amendment be repealed, that the revoked by-law be revived or that the additional by-law be repealed.

(2) When making an order under subsection (1) in respect of an exclusive use by-law referred to in section 33 or 82 (in relation to limited common property), a Board may direct the payment by the management corporation or subsidiary management corporation, as the case may be, of compensation to the subsidiary proprietor of the lot referred to in the by-law.

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

### **Order invalidating purported by-law**

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

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

**107.** Where, pursuant to an application by a subsidiary proprietor or a mortgagee in possession, a Board considers that the management corporation or subsidiary management corporation to which the application relates has determined an unreasonable rate as the rate of interest chargeable for the late payment of a contribution levied under section 40(6) or 79, as the case may be, the Board may, in respect of such contributions as are specified in the order, order that no interest be so chargeable or that the rate so chargeable be a rate specified by the Board in the order instead of the rate so determined.

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**Order varying contributions, etc.**

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

- (a) under section 40 or 41(3) or (4) in respect of a lot in a subdivided building where planning permission for the development of land was granted prior to 15th April 1976; or
- (b) under section 41(3) or (4) in respect of a lot in a subdivided building where planning permission for the development of land was granted on or after 15th April 1976,

is inadequate or excessive or the manner of payment of contributions is unreasonable, the Board may make either or both of the following orders:

- (i) an order for the payment of contributions of a different amount with effect from such date as the Board determines;
- (ii) an order for the payment of contributions in a different manner.

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

(3) Notwithstanding section 40(2), an order may be made by a Board under subsection (1) for the payment of any amount which the Board thinks is fair and adequate.

(4) For the avoidance of doubt, nothing in this section shall authorise any Board to alter the share value of any lot shown in a strata title plan in any manner on or after the date the management corporation is constituted.

**Order varying amount of insurance**

**109.**—(1) Where, pursuant to an application by a subsidiary proprietor or the mortgagee of a lot, a Board considers that the amount for which the management corporation for the subdivided building concerned has insured under section 75 is not reasonable, the Board may order the management corporation to vary that amount to a specified amount.

(2) Where, pursuant to an application by an interested subsidiary proprietor or the mortgagee of a lot, a Board considers that the amount for which the subsidiary management corporation concerned has insured under section 79(6) is not reasonable, the Board may order the subsidiary management corporation to vary that amount to a specified amount.

**Order to make or pursue insurance claim**

**110.** Where, pursuant to an application by a subsidiary proprietor, a Board considers that the management corporation or subsidiary management corporation to which the application relates has unreasonably refused to make or pursue an insurance claim in respect of damage to the building or any limited common property or other property insured by the management corporation or subsidiary management corporation under Division 6 or 7 of Part V, the Board may order the management corporation or subsidiary management corporation, as the case may be, to make or pursue the claim.

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

**111.** Where, pursuant to an application by a subsidiary proprietor, a Board considers that the management corporation or subsidiary management corporation to which the application relates —

- (a) has unreasonably refused to consent to a proposal by that subsidiary proprietor to effect alterations to the common property or limited common property; or
- (b) has unreasonably refused to authorise under section 37(4) any improvement in or upon a lot which affects the appearance of any building comprised in the strata title plan,

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the Board may make an order that the management corporation or subsidiary management corporation, as the case may be, consents to the proposal.

### **Order appointing managing agent to perform certain powers**

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

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

- (a) all the powers, duties and functions of the management corporation or subsidiary management corporation to which the order relates or of the chairperson, secretary or treasurer thereof, or the council of that management corporation or the executive committee of that subsidiary management corporation;
- (b) any one or more of those powers, duties or functions specified in the order; or
- (c) all of those powers, duties and functions except those specified in the order.

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

**113.** Where, pursuant to an application by any person, a Board considers that the management corporation or subsidiary management corporation to which the application relates, or a managing agent or the chairperson, secretary or treasurer of that management corporation or subsidiary management corporation has wrongfully —

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

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

### **Order for entry to lot**

**114.**—(1) A Board may make an order requiring a subsidiary proprietor or an occupier of any lot or part of a lot to allow a management corporation or subsidiary management corporation, as the case may be, access to the lot or part of the lot for the purpose of carrying out any work referred to in section 30 or determining whether any such work needs to be carried out.

(2) This section shall not limit the power of any management corporation or subsidiary management corporation to enter a lot under section 31 without applying for an order under this section.

(3) An application under this section may be made only by a management corporation or subsidiary management corporation.

### **Order to resolve dispute between management corporations and subsidiary management corporations, etc.**

**115.**—(1) Where, pursuant to an application by a management corporation or subsidiary management corporation (referred to in this section as the applicant corporation), a Board is satisfied that a management corporation or subsidiary management corporation to which the application relates —

- (a) has unreasonably refused access to any common property or limited common property or unreasonably refused to furnish any information relating to any common property or limited common property or any subsidiary proprietor, to the applicant corporation or any of its delegates where such

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access or information is necessary for the effective discharge by the applicant corporation or its delegate of its duties imposed by or under this Act; or

- (b) has done anything or permitted anything to be done in relation to any common property or limited common property in such a manner or for such a purpose as to interfere unreasonably with or unreasonably obstructs, hinders or delays the applicant corporation or any of its delegates from effectively discharging its duties imposed by or under this Act,

the Board may make an order for the settlement of the dispute.

(2) Nothing in subsection (1) shall be deemed to authorise any Board to require a management corporation or subsidiary management corporation to disclose any confidential information.

(3) In this section, the delegates of a management corporation or subsidiary management corporation include —

- (a) any member of its council or executive committee, as the case may be;
- (b) any managing agent duly appointed by the management corporation or subsidiary management corporation; or
- (c) any duly authorised employee of any such managing agent.

*Division 3 — Miscellaneous*

**Board's power to dismiss certain applications**

**116.** A Board may dismiss an application under this Part if —

- (a) the Board believes that the application is frivolous, vexatious, misconceived or lacking in substance;
- (b) the Board believes that a decision in favour of the applicant is not within the jurisdiction of the Board;
- (c) the Board believes that the applicant has unreasonably delayed the provision of information required by the Board;
- (d) in the case of an application made by any subsidiary proprietor of a lot, the applicant has not paid all

contributions levied and payable in relation to the lot under this Act; or

- (e) the Board believes that the case is suitable for mediation but the mediation is pending at the time of application.

### **General provisions relating to orders**

**117.**—(1) An order made by a Board under this Act or the Land Titles (Strata) Act (Cap. 158) may include such ancillary or consequential provisions as the Board thinks fit including costs to be paid by the applicant, a management corporation, a subsidiary management corporation or any person against whom the order is made or costs to be paid by a party for making a frivolous application to the Board.

(2) Without prejudice to subsection (1), a Board may order —

- (a) a management corporation or its council;
- (b) a subsidiary management corporation or its executive committee;
- (c) a managing agent; or
- (d) a subsidiary proprietor or other person having an estate or interest in a lot or an occupier of a lot,

to do or refrain from doing a specified act with respect to a subdivided building or the common property or limited common property, as the case may be.

### **Interim orders**

**118.**—(1) If an applicant for an order under this Part requests the making of an interim order and a Board, or the president or deputy president presiding, is satisfied on reasonable grounds that urgent considerations justify the making of such an order, the Board, president or deputy president, as the case may be, may —

- (a) make an order that could otherwise be made by the Board (referred to in this Part as an interim order); and

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- (b) renew the interim order by serving notice in accordance with section 119 if a request for its renewal is made not later than 3 months after the order is made.
- (2) A Board, or the president or deputy president presiding, may revoke an interim order, or a renewal of an interim order, made under subsection (1).
- (3) When an interim order is revoked, the registrar shall serve notice of its revocation in accordance with section 119.
- (4) An interim order may be made or renewed in respect of any application under this Part even if —
- (a) since receipt of the application, any procedure under this Part has not been followed;
  - (b) the time, or extended time, for making submissions on an application has not expired; or
  - (c) a right of appearance of representation has not been exercised.
- (5) An interim order shall continue in force —
- (a) until the expiration of such period, not exceeding 3 months, as the Board, president or deputy president, as the case may be, may specify in the order, starting with the making of that order;
  - (b) if application is duly made for its renewal, until the renewal is granted or refused; or
  - (c) if it is renewed, until the expiration of a period of 6 months, starting with the making of the order.
- (6) Subsection (5) shall not apply if the interim order is revoked on appeal or the application is determined in accordance with another provision in this Part.
- (7) Any person who, in, or in connection with, a request for an interim order or for the renewal of any such order, makes a statement that the person knows is false or misleading in a material respect 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 6 months or to both.

### **Effect of orders on notice**

**119.**—(1) Subject to subsection (2), the registrar shall serve a copy of every order (including an interim order) made by a Board, the president or a deputy president pursuant to any application made under this Part on —

- (a) the applicant;
- (b) the management corporation or subsidiary management corporation for the strata title plan concerned;
- (c) the person against whom the order is made; and
- (d) any person who made a written submission to the Board in response to the Board's invitation.

(2) If the order (including an interim order) of the Board, the president or a deputy president is a declaratory or other order affecting the subsidiary proprietors or occupiers of the lots in a strata title plan generally, or a particular class of the subsidiary proprietors or occupiers, the registrar need not serve a copy of the order on each subsidiary proprietor and occupier affected individually, but may instead give notice in a way that ensures, as far as reasonably practicable, it comes to the attention of all subsidiary proprietors and occupiers or all subsidiary proprietors and occupiers in that class.

(3) Every copy of an order served under subsection (1) or (2) shall be certified by the president to be a true copy of the order.

(4) Except where provision is otherwise made by this Act or the Land Titles (Strata) Act (Cap. 158) or to the extent it is otherwise specified in an order, an order (including an interim order) made under this Part shall take effect when a copy of the order is served on —

- (a) the applicant;
- (b) the management corporation or subsidiary management corporation for the strata title plan concerned; and
- (c) the person against whom the order is made.

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**Enforcement and penalty for contravention of orders**

**120.**—(1) Any order (including an interim order) made under this Part or the Land Titles (Strata) Act may, by leave of a District Court, be enforced against the person in the same manner as a judgment of that court, and where leave is so given, judgment may be entered in terms of that order.

(2) A person who contravenes any order (including an interim order) made under this Part or the Land Titles (Strata) Act to do or refrain from doing a specified act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

(3) A document purporting to be a copy of an order (including an interim order) made under this Part or the Land Titles (Strata) Act shall be admissible in evidence and shall, until the contrary is proved, be deemed to be an order made by the Board.

PART VII

STAGED DEVELOPMENTS

**Staged development contracts**

**121.**—(1) *Every staged development shall be carried out subject to a staged development contract in the prescribed form that is accepted by the Commissioner under this section.*

(2) *For the purposes of this Act, the Commissioner —*

- (a) shall accept any staged development contract (including any amendments thereto) approved under the Housing Developers (Control and Licensing) Act (Cap. 130) or the Sale of Commercial Properties Act (Cap. 281) in relation to any staged development under those respective Acts; and*
- (b) may accept any staged development contract in relation to any other staged development, and any amendments thereto.*

(3) *For the purposes of subsection (2)(b), the Commissioner may refuse to accept any staged development contract in relation to any staged development, and any amendments thereto, if the contract —*

- (a) is not in the prescribed form;*
- (b) does not describe or adequately describe the concept plan for the entire staged development, and so much of the proposed development that is warranted development and is an authorised proposal; and*
- (c) does not specify the proposed date the entire staged development is to be finally completed and concluded or such other information, conditions or particulars as may be prescribed.*

(4) *No amendment to a staged development contract accepted under this Act by the Commissioner in relation to any staged development referred to in subsection (1) shall be valid unless the amendment is accepted by the Commissioner.*

(5) *A staged development contract accepted under this Act by the Commissioner in relation to any staged development of a parcel, and any amendments thereto, shall have effect as an agreement under seal containing such covenants as may be prescribed entered into by the management corporation constituted under a strata title plan of the whole or part of that parcel and each person who for the time being is —*

- (a) the owner developer concerned;*
- (b) the subsidiary proprietor of that management corporation;*  
*or*
- (c) a mortgagee of the subsidiary proprietor's lot.*

(6) *A staged development contract shall cease to have effect —*

- (a) in relation to a person described in subsection (5)(a), (b) or (c) on that person ceasing to be a person so described; and*
- (b) in relation to all persons described in subsection (5) when the staged development to which the contract relates is finally completed and concluded.*

*(7) For the avoidance of doubt, subsection (6) shall not affect any obligation that was incurred by a person, or any right that accrued to a person, under the staged development contract before it ceased to have effect in relation to the person.*

*(8) No amendment to a staged development contract accepted under this Act by the Commissioner in relation to any staged development referred to in subsection (2)(b) shall be valid unless the amendment is accepted by the Commissioner.*

### **Staged development regulations**

**122.**—(1) *The Minister may make regulations on any matter which by this Act is required or permitted to be prescribed for or in relation to staged developments, and may in such regulations modify the application of any of the provisions of this Act in relation to staged developments.*

*(2) Every regulation made under subsection (1) shall be presented to Parliament as soon as possible after publication in the Gazette.*

## **PART VIII**

### **GENERAL**

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

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

#### **Legal proceedings**

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

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

**Corporate offenders and unincorporated associations**

**125.**—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the body corporate, the officer as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of the body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, the partner as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association or a member of its governing body, the officer or member as well as the association shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“officer” —

- (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body or person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary and members of the committee of the association and includes persons holding positions analogous to those of president, secretary or member of a committee;

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“partner” includes a person purporting to act as a partner.

### **Monitoring powers of Commissioner**

**126.**—(1) The Commissioner may by notice require an owner developer of a development, the relevant member in the council of any management corporation or the executive committee of any subsidiary management corporation —

- (a) to produce for inspection, without fee or reward, by the Commissioner or a person authorised by the Commissioner, any such books, registers, documents or other records relating to the maintenance of any development or the management of the management corporation or (as the case may be) subsidiary management corporation as the Commissioner may reasonably require for the purposes of the carrying out of his functions under this Act; or
- (b) to furnish the Commissioner, or a person authorised by the Commissioner, with such information or explanation relating to the maintenance of any development or the management of the management corporation or (as the case may be) subsidiary management corporation as the Commissioner may reasonably so require,

and to do so within such reasonable time as is specified in the notice.

(2) The Commissioner or a person authorised by him may without fee or reward —

- (a) make copies of or extracts from, or records of any information contained in, any books, registers, documents or other records produced under subsection (1)(a); or
- (b) make copies of or extracts from or records of any information or explanation furnished under subsection (1)(b).

(3) The Commissioner or a person authorised in writing by the Commissioner may, for the purposes of the carrying out of his functions under this Act, enter at any reasonable time any premises occupied by an owner developer, or a management corporation or

subsidiary management corporation, as the case may be, and having entered any such premises may —

- (a) inspect any book, register, document or other records relating to the management or the income and expenditure of the management corporation or subsidiary management corporation; and
- (b) make copies of, or records of any information contained in, any such books, registers, documents or other records.

(4) Where any such records as are mentioned in subsection (1) or (3) are kept in electronic form, then —

- (a) the power of the Commissioner under subsection (1) to require any such records to be produced for inspection includes power to require a copy of the records to be made available for inspection in legible form (and subsection (2)(a) shall accordingly apply in relation to any copy so made available); and
- (b) the power of any person (referred to in this subsection as the inspector) under subsection (3) to inspect any such records includes power to require any person on the premises in question to give the inspector such assistance as the inspector may reasonably require to enable him —
  - (i) to inspect and make copies of the records in legible form or to make records of information contained in them; or
  - (ii) to inspect and check the operation of any computer, and any associated apparatus or material, that is or has been in use in connection with the keeping of the records.

(5) In addition to the powers conferred on him by subsections (1) and (2), the Commissioner or a person authorised by him may require, by order in writing, the attendance before the Commissioner or authorised person of —

- (a) an owner developer of any development or an employee thereof within the limits of Singapore who, from any

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information given or otherwise obtained by the Commissioner, appears to be acquainted with the circumstances of the case; or

- (b) the relevant member in the council of any management corporation or the executive committee of any subsidiary management corporation, any managing agent, or any employee thereof, who, from any information given or otherwise obtained by the Commissioner, appears to be acquainted with the circumstances of the case.

(6) Any person who —

- (a) refuses to give access to, or assaults, obstructs, hinders or delays, the Commissioner or a person authorised under this section in the discharge of the duties by the Commissioner or such person under this Act;
- (b) without reasonable excuse, refuses to give any information or produce any book, register, document or copy thereof required of him by the Commissioner or such person under subsection (1); or
- (c) without reasonable excuse, fails to comply with a lawful demand of the Commissioner or such person in the discharge by the Commissioner or such person of his duties under this section,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both.

(7) The powers conferred by virtue of subsection (1) may only be exercised by the Commissioner (or, as the case may be, by a person authorised by the Commissioner) for or in connection with obtaining such information or explanations relating to the owner developer, management corporation or subsidiary management corporation, as the case may be, as the Commissioner may reasonably require for the purpose of monitoring compliance on the part of owner developers, management corporations and subsidiary management corporations with the requirements imposed by or by virtue of this Act.

**Supply of false or misleading information to Commissioner**

**127.**—(1) Any person who knowingly or recklessly provides the Commissioner with information which is false or misleading in a material particular shall be guilty of an offence if the information is provided —

- (a) in purported compliance with a requirement imposed by or under this Act; and
- (b) otherwise than as mentioned in paragraph (a) but in circumstances in which the person providing the information intends, or could reasonably be expected to know, that it would be used by the Commissioner for the purpose of discharging his functions under this Act.

(2) Any person who —

- (a) alters, suppresses, conceals or destroys; or
- (b) causes or permits the alteration, suppression, concealment or destruction of,

any document or other record relating to the financial affairs or transactions of an owner developer, a management corporation or subsidiary management corporation with the intention of falsifying the document or record or enabling that organisation or individual to evade any provision of this Act shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

**General penalties**

**128.** Any person guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$3,000.

**Service of notices**

**129.**—(1) Unless otherwise expressly provided in this Act, a notice that is required or authorised by this Act to be given to or served on a person may be given to or served on that person —

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- (a) by posting it or sending it by facsimile transmission to his address for service (within the meaning of this section) or to his last known place of residence or business;
  - (b) by leaving it at his address for service (within the meaning of this section) or at his last known place of residence or business; or
  - (c) in the case of a subsidiary proprietor, by affixing the notice on the front door of his lot.

(2) A summons or other legal process may be served on a management corporation or subsidiary management corporation by leaving it with the chairperson or secretary of the management corporation or subsidiary management corporation or of the council or with any member of the council thereof.

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

- (a) by leaving it with any person referred to in subsection (1) or in the receptacle provided by the management corporation or subsidiary management corporation under section 28; or
- (b) by sending it, by registered post, to the management corporation at its address recorded on the folio of the land-register comprising the common property.

(4) The address for service for persons other than a management corporation or subsidiary management corporation shall be as follows:

- (a) in the case of an occupier of a lot, the address for service shall be the address of the lot; and
- (b) where an address for service of notices is recorded in the address so recorded in the strata roll, the address so recorded.

(5) Where any notice or other document is —

- (a) sent by facsimile transmission in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed where there is

an acknowledgment by electronic or other means to the effect that the notice or document has been received at the address for service or place of residence or business, as the case may be;

- (b) sent by pre-paid registered post, it shall be deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, notwithstanding it is returned undelivered; or
- (c) delivered to or affixed on the front door of any lot, on the date of such delivery or affixing of the notice or document at that lot.

(6) Subject to subsection (2), this section shall not apply to notices and documents to be served in proceedings in court.

### **Jurisdiction of court**

**130.** Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court and a Magistrate's Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

### **Composition of offences**

**131.—(1)** The Commissioner may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$2,000.

(2) The Minister may make regulations to prescribe the offences which may be compounded.

(3) All sums collected under this section shall be paid to the Building and Construction Authority.

### **Protection from liability**

**132.** No action shall lie against the Commissioner or any officer appointed under this Act or any person acting under the direction of

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the Commissioner or that officer in respect of any matter or thing done in good faith for the purpose of carrying out the provisions of this Act.

### **Application to Government**

**133.** This Act shall bind the Government but nothing in this Act shall render the Government liable to prosecution for an offence.

### **Exemption**

**134.**—(1) The Minister may, by order published in the *Gazette*, exempt any person or building, or any class of persons or buildings, from all or any of the provisions of this Act, subject to such terms or conditions as may be prescribed.

(2) The Minister may, on the application of any person, exempt the person from all or any of the provisions of this Act, by notice in writing, if the Minister considers it appropriate to do so in the circumstances of the case.

(3) An exemption under subsection (2) —

- (a) may be granted subject to such terms or conditions as the Minister may specify by notice in writing;
- (b) need not be published in the *Gazette*;
- (c) may be withdrawn at any time if the Minister considers it necessary in the public interest.

(4) Any person who contravenes any term or condition prescribed under subsection (1) or specified by the Minister under subsection (3)(a) shall be guilty of an offence.

### **Amendment of Schedules**

**135.**—(1) The Minister may at any time, by order published in the *Gazette*, amend the First or Second Schedule.

(2) The Minister may, in any order made under subsection (1), make such incidental, consequential or supplementary provision as may be necessary or expedient.

**Regulations**

**136.**—(1) The Minister may make regulations for carrying out the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

- (a) providing for proper standards of management and maintenance in respect of buildings, any common property and limited common property;
- (b) the nomination and election of members of the council of a management corporation or the executive committee of a subsidiary management corporation;
- (c) the minimum amount of contributions payable by subsidiary proprietors towards any sinking fund of a management corporation or subsidiary management corporation;
- (d) the investment of moneys belonging to a sinking fund of a management corporation or subsidiary management corporation;
- (e) the provision of parking places for the exclusive use of residents of lots in subdivided buildings used for both residential and commercial purposes;
- (f) the fees to be paid to management corporations or subsidiary management corporations for anything to be done under this Act;
- (g) the fees to be paid in respect of any matter or thing required for the purposes of this Act, including approvals, permits or licences required under this Act and the refund and remission, whether in whole or in part, of such fees;
- (h) the practice and procedure of the Strata Titles Boards; or
- (i) any other matter which by this Act is required or permitted to be prescribed or is necessary or convenient to be prescribed for carrying out or giving effect to any provision of this Act.

(3) Regulations made under this section may make different provisions for different types of buildings, common property and limited common property.

(4) The Minister may, in making any regulations under subsection (1), provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$5,000.

### **Repeal of Buildings and Common Property (Maintenance and Management) Act**

**137.**—(1) The Buildings and Common Property (Maintenance and Management) Act (Cap. 30) is repealed.

(2) The transitional and savings provisions contained in Part I of the Fourth Schedule to this Act shall have effect.

(3) Any written law or document referring to the repealed Act shall, as far as may be necessary for preserving its effect, be construed as referring or as including a reference to this Act.

### **Consequential amendments to Land Titles (Strata) Act**

**138.**—(1) The provisions of the Land Titles (Strata) Act (Cap. 158) specified in the first column of the Third Schedule are amended in the manner set out in the second column thereof.

(2) The transitional and savings provisions contained in Part II of the Fourth Schedule to this Act shall have effect.

### **Transitional and savings provisions**

**139.**—(1) Except as otherwise expressly provided in the Fourth Schedule to this Act or in regulations made under this section —

- (a) the provisions of this Act shall apply to buildings comprised in any strata title plan registered under the Land Titles (Strata) Act before the commencement of section 138; and
- (b) nothing in that Schedule shall affect any saving provided by the Interpretation Act (Cap. 1).

(2) Except as otherwise expressly provided in the Fourth Schedule, where any period of time specified in any former provision is current immediately before the date of commencement for the repeal or amendment, as the case may be, of the former provision, this Act shall have effect as if the corresponding provision in this Act had been in force when the period began to run; and (without prejudice to the foregoing) any period of time so specified and current shall be deemed for the purposes of this Act —

- (a) to run from the date or event from which it was running immediately before that day; and
- (b) to expire (subject to any provision of this Act for its extension) whenever it would have expired if this Act had not been enacted,

and any rights, priorities, liabilities, reliefs, obligations, requirements, powers, duties or exemptions dependent on the beginning, duration or end of such a period as above mentioned shall be under this Act as they were or would have been under that former provision.

(3) For a period of 2 years after the date of commencement of section 137 or 138, as the case may be, the Minister may, by order published in the *Gazette*, add to the Fourth Schedule by prescribing such provisions of a savings or transitional nature consequent on the enactment of section 137 or 138, as he may consider necessary or expedient.

(4) In this section, “former provision” means any provision in the repealed Act or any provision of the Land Titles (Strata) Act (Cap. 158) repealed or amended by this Act.

### **Consequential amendments to other written laws**

**140.** The provisions of the other Acts specified in the first column of the Fifth Schedule are amended in the manner set out in the second column thereof.

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FIRST SCHEDULE

Sections 27(3), 29(1), 80(2) and 135(1)

GENERAL MEETINGS OF MANAGEMENT CORPORATIONS AND  
SUBSIDIARY MANAGEMENT CORPORATIONS

**Notice of general meetings**

1.—(1) Except as otherwise expressly provided in this Act, notice of a general meeting of a management corporation or subsidiary management corporation shall be served on each subsidiary proprietor who is a member thereof and on the first mortgagee of a lot, as ascertained from the strata roll, at least 14 days before the meeting.

(2) Every notice for a general meeting shall —

- (a) specify the place, day and hour for the meeting;
- (b) include each proposed resolution to be considered at the meeting;
- (c) specify any other business to be transacted at the meeting;
- (d) be accompanied by a copy of the minutes of the latest general meeting if the notice is to a subsidiary proprietor who has not previously been given a copy of those minutes or who, before the notice is given, makes a request for a copy of those minutes that has not been complied with; and
- (e) inform each person to whom the notice is addressed that he may vote in respect of each proposed resolution and, where relevant, on election of members of the council or (as the case may be) executive committee —
  - (i) in the case of a subsidiary proprietor of a lot subject to a first mortgage shown on the strata roll, only if the mortgagee fails or neglects to exercise the voting power conferred upon him by this Schedule;
  - (ii) except in the case of a unanimous resolution or resolution by consensus, only if all contributions levied and payable on the lot, and any other moneys recoverable under this Act by the management corporation from him at the date of the notice (being contributions levied on him, or moneys recoverable from him, in respect of the lot of which he is the subsidiary proprietor or first mortgagee) have been duly paid at least 3 days before the commencement of the meeting; and
  - (iii) either in person or by proxy at the meeting.

FIRST SCHEDULE — *continued*

(3) Without prejudice to sub-paragraph (2), every notice for an annual general meeting of a management corporation or subsidiary management corporation shall —

- (a) be accompanied by a copy of the statement of accounts of the management corporation or (as the case may be) subsidiary management corporation last prepared in accordance with section 38(10) and a copy of the auditor's report on the accounts of the management corporation or subsidiary management corporation;
- (b) include a motion for the adoption of those accounts; and
- (c) include a motion for the termination of any managing agent or for the continuation of the managing agent for the next ensuing financial year.

(4) No motion shall be submitted at a general meeting unless —

- (a) notice of the motion has been given in accordance with this paragraph; or
- (b) the motion is a motion to amend a motion of which notice has been so given.

(5) A meeting at which a motion for a unanimous resolution, resolution by consensus, 90% resolution, comprehensive resolution or special resolution is to be proposed shall be deemed not to be duly convened by the council if it does not give such notice thereof as is required by section 2(2) to (7) in the case of a unanimous resolution, resolution by consensus, 90% resolution, comprehensive resolution or special resolution, as the case may be.

(6) Notwithstanding sub-paragraph (1), if so directed by the management corporation or subsidiary management corporation by a special resolution, a resolution may be proposed and passed at a meeting of which written notice of a period less than that required under sub-paragraph (1) has been given.

**Persons entitled to vote at general meetings**

2.—(1) A person shall be entitled to vote in respect of any lot on any proposal submitted at a general meeting of a management corporation or on any election of members of the council, or at a general meeting of a subsidiary management corporation or on any election of its executive committee, only if —

- (a) in the case of a management corporation, he is the subsidiary proprietor or a mortgagee in possession or a receiver of that lot as shown on the strata roll and has paid to the management corporation all contributions and any other moneys levied or recoverable by the management corporation under this Act; or

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FIRST SCHEDULE — *continued*

(b) in the case of a subsidiary management corporation, he is the subsidiary proprietor (or a mortgagee in possession or a receiver) of a lot who is a member of that subsidiary management corporation and has paid to the subsidiary management corporation all contributions and any other moneys levied or recoverable by the subsidiary management corporation under this Act.

(2) Notwithstanding any other provision of this paragraph, a first mortgagee, as shown on the strata roll, of a lot shall be entitled to vote in respect of that lot on any proposal submitted at a general meeting of a management corporation or on any election of members of the council, or at a general meeting of a subsidiary management corporation or on any election of its executive committee, and, if he votes on that proposal, any vote cast by the subsidiary proprietor of that lot on the proposal shall not be counted.

(3) The vote of co-proprietors or co-mortgagees may be cast by any of them in person or by a proxy and if both joint subsidiary proprietors or co-mortgagees are present at a meeting of the management corporation or subsidiary management corporation, as the case may be, the vote of the senior who casts a vote, whether in person or by a proxy, shall be accepted to the exclusion of the votes of the others; and for this purpose, seniority shall be determined by the order in which the names stand in the strata roll.

(4) Only the subsidiary proprietor entitled to the first of 2 or more successive estates in a lot shall, subject to this Schedule, be entitled to cast a vote on any proposal submitted at a general meeting of —

(a) a management corporation or on any election of members of the council; or

(b) a subsidiary management corporation or on any election of its executive committee.

(5) A subsidiary proprietor who is the trustee of a lot shall, subject to this Schedule, be entitled to cast a vote on any proposal submitted at a general meeting of —

(a) a management corporation or on any election of members of the council; or

(b) a subsidiary management corporation or on any election of its executive committee,

and the persons beneficially interested in the trust shall not be entitled to cast such a vote.

(6) The voting rights conferred by this paragraph shall be subject to section 65(9) and (10).

FIRST SCHEDULE — *continued***Quorum**

3.—(1) No business shall be transacted at any general meeting of a management corporation or subsidiary management corporation unless a quorum of subsidiary proprietors is present.

(2) A quorum shall be formed at any general meeting of a management corporation or subsidiary management corporation constituted in respect of a strata title plan when the number of subsidiary proprietors who own at least —

- (a) 30% of the aggregate share value for all lots comprised in that strata title plan; or
- (b) in the case of a subsidiary management corporation constituted for any limited common property, 30% of the aggregate share value for all lots for whose exclusive benefit the limited common property are designated,

are present at the meeting, either in person or by proxy.

(3) Subject to sub-paragraph (4), if within half an hour appointed for holding a general meeting of a management corporation or subsidiary management corporation, no quorum of subsidiary proprietors of the management corporation or (as the case may be) subsidiary management corporation is present, the general meeting may be held as if a quorum is present if there are 2 or more such subsidiary proprietors present in person.

(4) Sub-paragraph (3) shall not apply to a general meeting convened on receipt of a requisition by subsidiary proprietors.

**Motions out of order**

4. At a general meeting of a management corporation or subsidiary management corporation, its chairperson may rule that a motion submitted at the meeting is out of order if he considers that the motion, if carried, would conflict with this Act or the by-laws or would otherwise be unlawful or unenforceable.

**Method of casting vote**

5. Except as provided in paragraph 2(3), a vote on a motion submitted at a general meeting of a management corporation or on any election of members of the council, or at a general meeting of a subsidiary management corporation or on any election of its executive committee, may be cast by the person entitled to vote, either personally or by his duly appointed proxy.

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FIRST SCHEDULE — *continued*

**Chairperson to preside**

6. The chairperson of the management corporation or subsidiary management corporation shall preside at any general meeting of the management corporation or subsidiary management corporation, as the case may be, at which he is present and, in his absence from any such meeting, the persons present at that meeting and entitled to vote on motions submitted at that meeting may elect one of their number to preside at that meeting and the person so elected shall, while he is so presiding, be deemed to be the chairperson of the management corporation or (as the case may be) subsidiary management corporation.

**List of names of persons entitled to vote**

7. The secretary of the management corporation or (as the case may be) subsidiary management corporation shall put up a list of the names of the persons who are entitled to vote at a general meeting on the notice board maintained on the common property at least 48 hours before the general meeting.

**Counting of votes on election of council or executive committee**

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

**Counting of votes on motion**

9.—(1) Subject to this paragraph, a motion submitted at a general meeting of a management corporation or (as the case may be) subsidiary management corporation shall be decided according to the number of votes cast for and against the motion, whether personally or by proxy, each person entitled to vote having one vote in respect of each lot in respect of which he is entitled to vote unless a poll is demanded by any person entitled to vote at the general meeting before a vote is taken as aforesaid.

(2) If —

- (a) a poll is demanded by any person entitled to vote at a general meeting of a management corporation or (as the case may be) subsidiary management corporation on a motion submitted at that meeting and the demand is made by that person personally at the meeting; or
- (b) a motion submitted at such a meeting is for a resolution which, if it is to be effective, is required by this Act to be a special resolution or 90% resolution,

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FIRST SCHEDULE — *continued*

the motion shall be decided according to the value, ascertained in accordance with sub-paragraphs (3) and (4), of the votes cast for and against the motion, whether personally or by proxy.

(3) Subject to sub-paragraph (4), for the purposes of sub-paragraph (2), the value of a vote cast on a motion submitted at a general meeting of a management corporation or (as the case may be) subsidiary management corporation by a person entitled to vote in respect of a lot shall be equal to the share value of that lot.

(4) For the purposes of sub-paragraph (2), the value of the vote cast by a subsidiary proprietor of a proposed lot shall be 25% of the value that, but for this sub-paragraph, his vote would have under sub-paragraph (3), ignoring any fraction.

(5) A poll shall be taken in such manner as the chairperson thinks fit.

(6) A demand for a poll may be withdrawn by the person who made it.

**Chairperson's declaration of vote**

10. The declaration of the chairperson of the result of the voting on any proposal submitted at a general meeting of the management corporation or (as the case may be) subsidiary management corporation, otherwise than on a poll, shall be conclusive without proof of the votes recorded for or against the proposal.

**General meetings valid if attended only by chairperson**

11. A general meeting of a management corporation or (as the case may be) subsidiary management corporation shall, subject to paragraph 3, be validly held notwithstanding that the only person present at the meeting is the chairperson of the management corporation or subsidiary management corporation, as the case may be.

**Requisition for motions to be included on agenda for general meeting**

12.—(1) Any subsidiary proprietor may, by notice in writing, served on the secretary of the council of the management corporation or (as the case may be) subsidiary management corporation, require inclusion in the agenda of the next general meeting of the management corporation or (as the case may be) subsidiary management corporation of a motion set out in the first-mentioned notice and the secretary shall comply with the notice.

(2) The secretary of the council shall give effect to every requirement in every notice under sub-paragraph (1).

(3) Sub-paragraph (1) shall not require the inclusion of a motion on the agenda of a general meeting for which notices have already been given in accordance with

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FIRST SCHEDULE — *continued*

this Schedule, but in that case, the secretary of the council shall include the motion in the agenda of the next general meeting after that.

(4) For the purposes of sub-paragraph (1), a subsidiary proprietor who, but for the existence of a mortgage over his lot, would be entitled to vote at a general meeting of the management corporation or (as the case may be) subsidiary management corporation shall be deemed to be entitled to vote at that meeting.

(5) Any person proposing to convene a general meeting of a management corporation or subsidiary management corporation shall take reasonable steps to ensure that the proposed day, time and place are reasonably convenient to a majority of the subsidiary proprietors of the management corporation or (as the case may be) subsidiary management corporation.

**Amendment or revocation of unanimous or special resolutions**

13. A unanimous resolution, resolution by consensus, comprehensive resolution, 90% resolution or special resolution of a management corporation shall not be amended or revoked except by a subsequent unanimous resolution, resolution by consensus, comprehensive resolution, 90% resolution or special resolution, as the case may be.

**Convening of extraordinary general meeting on requisition**

14.—(1) The council of a management corporation or the executive committee of a subsidiary management corporation shall, on receipt by the secretary thereof of a requisition for an extraordinary general meeting signed by —

- (a) one or more persons entitled to vote in respect of one or more lots, the share value or the total share value of which is at least 20% of the aggregate share value of all the lots whose subsidiary proprietors comprise the management corporation or subsidiary management corporation, as the case may be; or
- (b) not less than 25% of the total number of subsidiary proprietors of the lots whose subsidiary proprietors comprise the management corporation or subsidiary management corporation, as the case may be,

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

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

FIRST SCHEDULE — *continued*

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

(4) Any reasonable expenses incurred by the requisitionists by reason of the failure of the council or executive committee to convene a meeting shall be paid to the requisitionists by the management corporation or (as the case may be) subsidiary management corporation.

**Meetings of management corporation, etc., before first annual general meeting**

15.—(1) Until the first annual general meeting of the management corporation or subsidiary management corporation is held, the secretary of the management corporation or subsidiary management corporation, as the case may be, or, in a situation where there is no council or executive committee appointed as yet, the owner developer or his agent duly authorised in writing —

- (a) may convene an extraordinary general meeting; and
- (b) shall do so on receipt of a requisition signed by one or more persons entitled to vote in respect of one or more lots in the strata title plan, the share value or the sum of the share value of which is at least 25% of the aggregate share value of —
  - (i) all lots comprised in that strata title plan; or
  - (ii) in the case of a subsidiary management corporation constituted for any limited common property, all lots for whose exclusive benefit the limited common property are designated.

(2) The provisions of this Schedule (paragraph 1(2) excepted) shall apply to and in respect of a meeting referred to in sub-paragraph (1) so far as those provisions are not inconsistent with, or incapable of applying to, such a meeting.

**Company may appoint representative to attend meetings**

16. A company which is a subsidiary proprietor may under the seal of the company or the hand of its director or any duly authorised attorney appoint such person as it thinks fit to act as its representative either at a particular meeting or at all meetings of the management corporation or subsidiary management corporation, and a person so authorised shall, in accordance with his authority or until his authority is revoked by the company, be entitled to exercise the same

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FIRST SCHEDULE — *continued*

powers on behalf of the company as the company could exercise if it were an individual.

**Instrument of proxy**

17.—(1) An instrument appointing a proxy shall be in writing —

- (a) under the hand of the person appointing the proxy or of his attorney duly authorised in writing; or
- (b) if the person appointing the proxy is a company, either under seal or under the hand of an officer or its attorney duly authorised.

(2) Where it is desired to afford subsidiary proprietors an opportunity of voting for or against a resolution, the instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:

I/We, \_\_\_\_\_ of being a member/members of the above-named management corporation, hereby appoint/appoints \_\_\_\_\_, of \_\_\_\_\_, or failing him, of \_\_\_\_\_, as my/our proxy to vote for me/us on my/our behalf at the [annual or extraordinary, as the case may be] general meeting of the management corporation or subsidiary management corporation, to be held on the day of 20 , and at any adjournment thereof.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

<sup>1</sup>This form is to be used in favour of/against the resolution.

(3) The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll.

**Proxy to be deposited at registered address of management corporation**

18. The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed, or a notarially certified copy of that power or authority, shall be deposited at the registered address of the management corporation or subsidiary management corporation, as the case may be, or at such other place in Singapore as is specified for that purpose in the notice convening the meeting —

- (a) not less than 48 hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote; or
- (b) in the case of a poll, not less than 48 hours before the time appointed for the taking of the poll,

and in default, the instrument of proxy shall not be treated as valid.

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<sup>1</sup>Strike out whichever is not desired. [Unless otherwise instructed, the proxy may vote as he thinks fit.].

FIRST SCHEDULE — *continued***Powers of proxies**

- 19.—(1) A proxy need not be a subsidiary proprietor.
- (2) Subject to sub-paragraph (3), a person duly appointed as a proxy —
- (a) if entitled to vote otherwise as a proxy, may also vote in his own right; and
  - (b) if appointed as proxy for more than one person, may vote separately as a proxy in each case.
- (3) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on the matter.

**Authority not to be revoked by death of principal, etc.**

20. A vote given in accordance with the terms of an instrument of proxy or attorney shall be valid notwithstanding the previous death or unsoundness of mind of the principal or revocation of the instrument or of the authority under which the instrument was executed, or the transfer of the share in respect of which the instrument is given, if no intimation in writing of such death, unsoundness of mind, revocation or transfer as aforesaid has been received by the management corporation or subsidiary management corporation, as the case may be, at the registered office before the commencement of the meeting or adjourned meeting at which the instrument is used.

## SECOND SCHEDULE

Sections 53(11), 54(4), 80(6) and  
135(1)

## PROCEEDINGS OF COUNCILS AND EXECUTIVE COMMITTEES

**Chairperson to preside at meetings**

1. The chairperson of a council or an executive committee shall preside at all meetings of the council or executive committee, as the case may be, at which he is present and, if he is absent from any such meeting, the members of the council or executive committee present at that meeting shall appoint one of their number to preside at that meeting during the absence of the chairperson.

**Meetings of councils or executive committees**

- 2.—(1) At any meeting of a council or an executive committee, a quorum shall consist —
- (a) where there is only one member of a council or an executive committee, of that member; or

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SECOND SCHEDULE — *continued*

- (b) where there are 2 or more members of a council or an executive committee, of the majority of the members of the council or executive committee,

as the case may be.

(2) For the purposes of determining whether there is a quorum, a member of the council or executive committee shall be treated as being present at a meeting notwithstanding that under section 60 he cannot vote or has withdrawn from the meeting.

(3) Subject to this Act, the decision on any matter —

- (a) where there is only one member of a council or an executive committee, of that member; or
- (b) where there are 2 or more members of a council or an executive committee, of the majority of the members voting on that matter,

shall be the decision of the council or executive committee, as the case may be, at any meeting at which a quorum is present.

(4) A council or an executive committee shall cause a record of its decisions, of any notice given to its secretary under section 60(3), and full and accurate minutes of its meetings to be kept.

### **Keeping of records**

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

(2) If the management corporation or subsidiary management corporation is required by its by-laws to maintain a notice board, its council or executive committee, as the case may be, shall —

- (a) cause a copy of the minutes of a meeting of the council or executive committee, as the case may be, to be displayed on the notice board within 7 days after the meeting; and
- (b) cause a copy of a minute of any resolution thereof, or of the management corporation or subsidiary management corporation, as the case may be, passed in accordance with this Act to be displayed on the notice board after it is passed.

(3) A copy of any minutes referred to in sub-paragraph (2) shall be kept displayed on the notice board for a period of not less than 14 days.

(4) If there is no notice board, the council or executive committee concerned shall give each subsidiary proprietor a copy of the minutes referred to in sub-paragraph (2)(a) or (b) within the period specified in that sub-paragraph.

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SECOND SCHEDULE — *continued*

(5) The council or executive committee shall —

- (a) cause proper books of account to be kept in respect of all sums of money received and expended by it, specifying the matters in relation to which the receipts and expenditure take place; and
- (b) on the application of a subsidiary proprietor or mortgagee of a lot (or any person authorised in writing by him) make the books of account available for inspection at all reasonable times.

**Notice of council or executive committee meetings**

4.—(1) A council or an executive committee shall give notice of its intention to hold a meeting at least 3 days before the time fixed for the meeting —

- (a) by displaying the notice on the notice board of the management corporation or subsidiary management corporation, as the case may be; and
- (b) by serving the notice on each member of the council or executive committee, as the case may be.

(2) The notice referred to in sub-paragraph (1) shall specify when and where the meeting is to be held and contain a detailed agenda for the meeting.

**Subsidiary proprietor's attendance at council meetings, etc.**

5.—(1) A subsidiary proprietor who is a member of a management corporation shall be entitled to attend a meeting of the council of the management corporation but may not address the meeting except with the permission of the council.

(2) A subsidiary proprietor who is a member of a subsidiary management corporation shall be entitled to attend a meeting of the executive committee of the subsidiary management corporation but may not address the meeting except with the permission of the executive committee.

(3) No subsidiary proprietor other than a subsidiary proprietor who is a member of a subsidiary management corporation shall be entitled to attend a meeting of the executive committee of the subsidiary management corporation.

**Acts of council or executive committee valid notwithstanding vacancy, etc.**

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

- (a) a vacancy in the office of a member of the council or executive committee; or

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SECOND SCHEDULE — *continued*

- (b) any defect in the appointment, or any disqualification of any such member,

be as valid as if the vacancy, defect or disqualification did not exist and the council or executive committee were fully and properly constituted.

**Resolutions in writing**

7. A resolution of a council or executive committee shall be taken to have been validly passed even though the meeting at which the motion for the resolution was proposed to be submitted was not held if —

- (a) notice was given in accordance with this Schedule of the intended meeting of the council or executive committee, as the case may be;
- (b) a copy of the motion for the resolution was served on each member of the council or executive committee, as the case may be;
- (c) the resolution was approved in writing by a majority of members of the council or executive committee, as the case may be; and
- (d) the motion for the resolution does not concern any matter that the management corporation or subsidiary management corporation, as the case may be, determines under section 59 may only be decided upon by its council or executive committee, as the case may be, at a meeting.

THIRD SCHEDULE

Section 138

CONSEQUENTIAL AMENDMENTS TO LAND TITLES (STRATA) ACT  
(CHAPTER 158, 1999 EDITION)

*First column*

*Second column*

(1) Section 3

(i) Delete the words “section 86” in the definition of “Board” and substitute the words “the Building Maintenance and Strata Management Act 2004”.

(ii) Delete the words “Buildings and Common Property (Maintenance and Management) Act (Cap. 30)” in the definition of “Commissioner” and substitute the words “Building Maintenance and Strata Management Act 2004”.

THIRD SCHEDULE — *continued*

(iii) Delete the definition of “common property” and substitute the following definition:

““common property”, subject to subsection (2), means —

(a) in relation to any land and building comprised or to be comprised in a strata title plan, such part of the land and building —

(i) not comprised in any lot or proposed lot in that strata title plan; and

(ii) used or capable of being used or enjoyed by occupiers of 2 or more lots or proposed lots; or

(b) in relation to any other land and building, such part of the land and building —

(i) not comprised in any non-strata lot; and

(ii) used or capable of being used or enjoyed by occupiers of 2 or more non-strata lots within that land or building;”.

(iv) Delete the definitions of “council”, “initial period”, “managing agent”, “Minister”, “President” and “strata units”.

(v) Delete the definition of “land” and substitute the following definition:

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THIRD SCHEDULE — *continued*

““land” has the same meaning as in the Land Titles Act (Cap. 157);”.

(vi) Delete the definition of “management corporation” and substitute the following definition:

““management corporation” means a management corporation constituted under the Building Maintenance and Strata Management Act 2004;”.

(vii) Delete the words “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” in the definition of “registered land”.

(viii) Delete the definitions of “share units”, “special resolution” and “strata roll” and substitute the following definitions:

““schedule of strata units”, in relation to any land or building, means the schedule of strata units accepted by the Commissioner under section 11 of the Building Maintenance and Strata Management Act 2004 for that land or building;

“share value” has the same meaning as in the Building Maintenance and Strata Management Act 2004;

“special resolution” has the same meaning as in the Building Maintenance and Strata Management Act 2004;

““staged development and staged development contract”” have the same respective meanings as in the Building Maintenance and Strata Management Act 2004;

THIRD SCHEDULE — *continued*

“strata roll” has the same meaning as in the Building Maintenance and Strata Management Act 2004;”.

(ix) Insert, immediately after the definition of “subsidiary certificate of title”, the following definition:

““subsidiary management corporation” has the same meaning as in the Building Maintenance and Strata Management Act 2004;”.

(x) Delete the definition of “unanimous resolution” and substitute the following definition:

““unanimous resolution” has the same meaning as in the Building Maintenance and Strata Management Act 2004.”.

(xi) Renumber the section as subsection (1) and insert immediately thereafter the following subsection:

“(2) For the purposes of this Act —

(a) all windows of a lot, proposed lot or non-strata lot that are located on any exterior wall of the lot, proposed lot or (as the case may be) non-strata lot, being either louvres, casement windows, sliding windows or windows with any movable part, shall be part of the lot, proposed lot or (as the case may be) non-strata lot and not common property; and

(b) all other windows of a lot, proposed lot or non-strata lot that are located on any exterior

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THIRD SCHEDULE — *continued*

wall of the lot, proposed lot or (as the case may be) non-strata lot shall be common property, unless otherwise described in a strata title plan.”.

(2) Section 7

Repealed.

(3) New section 10A

Insert, immediately after section 10, the following section:

**“Constitution of management corporation, etc.**

10A.—(1) The subsidiary proprietors from time to time of all lots comprised in a strata title plan shall, on the date of registration of the strata title application in respect of that strata title plan under this Act, constitute the management corporation for that strata title plan.

(2) The subsidiary proprietors from time to time of the lots for whose exclusive benefit any limited common property is designated in a strata title plan, or in a comprehensive resolution filed with the Chief Surveyor under section 78(2) (b) of the Building Maintenance and Strata Management Act 2004, shall on the date of registration of the strata title application in respect of that strata title plan or such other instrument as required by the Registrar under this Act, constitute the subsidiary management corporation for that limited common property.

(3) The Registrar may, upon payment of a prescribed fee, issue to a management corporation or a subsidiary management corporation a certificate stating that the management corporation or subsidiary management corporation, as the case may be, is a body corporate constituted on the day specified therein.”.

THIRD SCHEDULE — *continued*

- (4) Section 11 (1) Insert, immediately after the words “in this Act”, the words “or the Building Maintenance and Strata Management Act 2004”.
- (5) New section 12A Insert, immediately after section 12, the following section:

**“Staged developments**

12A.—(1) On the completion of every stage of a staged development in respect of which a strata title plan is registered or deemed registered under this Act, and on the final completion and conclusion of the entire staged development, the owner developer thereof shall, within the time prescribed, prepare an amended strata title plan with the revised schedule of strata units for the staged development that has been last accepted under section 11 of the Building Maintenance and Strata Management Act 2004.

(2) Every amended strata title plan with the revised schedule of strata units under subsection (1) shall be lodged with the Chief Surveyor for approval under the Boundaries and Survey Maps Act (Cap. 25).

(3) Where the amended strata title plan referred to in subsection (1) has been lodged with and approved by the Chief Surveyor under the Boundaries and Survey Maps Act, the Registrar shall make the appropriate amendment and entry on the relevant volumes and folios of the land-register and subsidiary land-register comprising the lots shown in the amended strata title plan in regard to the share value and lot numbers of the lot or lots affected.

(4) The Minister may make regulations on any matter which by this Act is

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THIRD SCHEDULE — *continued*

required or permitted to be prescribed for or in relation to staged developments, and may in such regulations modify the application of any of the provisions of this Act in relation to staged developments.

(5) Every regulation made under subsection (4) shall be presented to Parliament as soon as possible after publication in the *Gazette*.”.

(6) Section 22

Delete subsection (1) and substitute the following subsection:

“(1) This section shall apply where a management corporation has, in accordance with section 35(1) of the Building Maintenance and Strata Management Act 2004, passed a unanimous resolution to —

- (a) execute on the behalf of its subsidiary proprietors a grant of easement or a restrictive covenant burdening the parcel;
- (b) accept on their behalf a grant of easement or a restrictive covenant;
- (c) surrender on their behalf a grant of easement or a restrictive covenant burdening the parcel; or
- (d) accept on their behalf a surrender of a grant of easement or a restrictive covenant.”.

(7) Section 23

(i) Delete subsection (1) and substitute the following subsection:

“(1) This section shall apply where a management corporation has, in accordance with section 34(1) of the Building Maintenance

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THIRD SCHEDULE — *continued*

and Strata Management Act 2004, passed a special resolution —

(a) to execute on the behalf of its subsidiary proprietors a transfer of any part of the common property (including a part of any building or any immovable property affixed to common property); or

(b) to execute on their behalf a lease of or rent part of such common property.”.

(ii) Delete the words “and the Registrar have consented” in subsection (2) and substitute the words “has consented”.

(iii) Insert, immediately after the word “transfer” whenever it appears in subsections (2) and (3), the words “or lease”.

(iv) Insert, immediately after the words “free from” in subsection (4), the words “any encumbrances and”.

(8) Section 25

(i) Delete subsection (1) and substitute the following subsection:

“(1) This section shall apply where a management corporation has, in accordance with section 34(3) of the Building Maintenance and Strata Management Act 2004, passed a special resolution to accept —

(a) a grant or transfer of any land (not being a lot within the parcel) which abuts the parcel, free from any encumbrances (except those created by statute and subsisting easements);

(b) a grant or transfer of any lot, including the undivided share in the common property

THIRD SCHEDULE — *continued*

appurtenant to that lot, free from any encumbrances (except those created by statute and subsisting easements); or

- (c) a lease of land, not being a lot within the parcel, whether or not it abuts on the parcel,

for the purpose of creating additional common property.”.

(ii) Delete the words “share units” in subsection (4) (b) and substitute the words “share values”.

(iii) Insert, immediately after subsection (4), the following subsection:

“(5) Any reference to a transfer or transferred land in this section shall include a lease of land referred to in subsection (1)(c).”.

(9) Section 26

(i) Delete subsection (1) and substitute the following subsection:

“(1) This section shall apply where 2 or more management corporations have, in accordance with section 34(5) of the Building Maintenance and Strata Management Act 2004, passed their respective special resolutions to amalgamate their respective common properties; and the relevant management corporation shall execute an instrument of transfer.”.

(ii) Delete the words “share units” in subsection (1A) and substitute the words “share values”.

(10) Section 27

Repeal and substitute the following section:

**“Court orders affecting common property**

27.—(1) Every instrument of transfer or acceptance of a transfer lodged for

THIRD SCHEDULE — *continued*

registration under section 36 of the Building Maintenance and Strata Management Act 2004 shall be accompanied by a certified true copy of the order of the court made under that section 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.

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

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

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THIRD SCHEDULE — *continued*

necessary modifications, to  
such amalgamation.”.

- (11) Section 30 (1A) Delete the words “section 7” and substitute the words section 11 of the Building Maintenance and Strata Management Act 2004.
- (12) Part IV Repealed.
- (13) Section 77 (i) Delete the words “a subdivided building is damaged or destroyed” in subsection (1) and substitute the words “all of the land and buildings comprised in a strata title plan is the subject of a declaration under section 5 of the Land Acquisition Act (Cap. 152), or any building comprised in a strata title plan is damaged or destroyed”.  
(ii) Insert, immediately after the words “subsection (1)” in subsection (4), the words “(except in relation to land and buildings the subject of a declaration under section 5 of the Land Acquisition Act (Cap. 152))”.
- (14) Section 81 (i) Delete subsection (1) and substitute the following subsection:  
“(1) This section shall apply where a management corporation has, in accordance with section 84 of the Building Maintenance and Strata Management Act 2004, resolved to terminate the strata subdivision of the building.”.  
(ii) Delete the words “section 42 (2)” in subsection (13) and substitute the words “section 39 (2)”.
- (15) New section 83A Insert, immediately after section 83, the following section:  
**“Application to subsidiary management corporations**  
83A. Sections 81, 82 and 83 shall apply, with the necessary modifications, where a subsidiary management corporation has

THIRD SCHEDULE — *continued*

- resolved to terminate its limited common property, in accordance with section 84 of the Building Maintenance and Strata Management Act 2004.”.
- (16) Sections 84A, 84D and 84E Delete the words “the Fourth Schedule” wherever they appear in sections 84A (3), (4), (13) and (14), 84D (3) and 84E (4) and (5) and substitute in each case the words “the Schedule”.
- (17) New section 84G Insert, immediately after section 84F, the following section :
- “Application of Building Maintenance and Strata Management Act 2004**
- 84G. Part VI of the Building Maintenance and Strata Management Act 2004 and any regulations made under that Act shall apply in respect of applications under this Part with the necessary modifications.”.
- (18) Part VI Repealed.
- (19) Sections 116, 117, 118 and 120 Repealed.
- (20) Section 119
- (i) Delete the words “section 55” in subsection (2) (a) and substitute the words ”section 28 of the Building Maintenance and Strata Management Act 2004”.
- (ii) Delete the words “the Commissioner,” in subsection (3).
- (21) Section 123 (2) Delete the words “Parts IV to VII” and substitute the words “section 10A and Parts V and VIII and the Building Maintenance and Strata Management Act 2004”.
- (22) Section 124 (2) Delete the words “Parts IV to VII” and substitute the words “section 10A and Parts V and VIII and the Building Maintenance and Strata Management Act 2004”.

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THIRD SCHEDULE — *continued*

- (23) Section 125
- (i) Insert, immediately after the words “allocation of share values” in subsection (2) (a), the words “under the Building Maintenance and Strata Management Act 2004”.
- (ii) Delete the words “section 48 (1) (r)” in subsection (11) and substitute the words “section 39 (3) of the Building Maintenance and Strata Management Act 2004”.
- (24) Section 126
- (i) Insert, immediately after the words “allocation of share values” in subsection (2), the words “under the Building Maintenance and Strata Management Act 2004”.
- (ii) Delete the words “section 48 (1) (r)” in subsection (10) and substitute the words “section 39 (3) of the Building Maintenance and Strata Management Act 2004”.
- (25) Section 126A (6)
- Delete the words “section 48 (1) (r)” and substitute the words “section 39 (3) of the Building Maintenance and Strata Management Act 2004”.
- (26) Section 126B (1)
- Delete the words “sections 71 and 72” in paragraph (h) and substitute the words “sections 67 and 68 of the Building Maintenance and Strata Management Act 2004”.
- (27) Section 127 (8)
- Delete the words “section 48 (1) (r)” and substitute the words “section 39 (3) of the Building Maintenance and Strata Management Act 2004”.
- (28) Section 130 (2)
- Delete paragraphs (a), (b), (c), (d) and (i).
- (29) First, Second and Third Schedules
- Repealed.
- (30) Fourth Schedule
- Delete the words “FOURTH SCHEDULE” in the 1st line and substitute the words “THE SCHEDULE”.

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**FOURTH SCHEDULE**

Sections 32(2), 137(2), 138(2) and 139

**TRANSITIONAL AND SAVINGS PROVISIONS****PART I****PROVISIONS DUE TO REPEAL OF BUILDINGS AND COMMON  
PROPERTY (MAINTENANCE AND MANAGEMENT) ACT****Incumbent Commissioner of Buildings and other officers**

1. The person who, immediately before the date of commencement of section 137 (referred to in this Part of the Schedule as the appointed day), is —

(a) the Commissioner of Buildings; or

(b) an officer appointed under section 3(1) of the repealed Act,

shall continue to hold such office as if he were appointed under section 3(1) and (3) of this Act, respectively.

**Notices and orders issued under repealed Act**

2.—(1) Any notice, order or other document prepared, issued or made by the Commissioner of Buildings under the repealed Act shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to have been prepared, issued or made under the corresponding provisions of this Act.

(2) Any maintenance charges approved by the Commissioner of Buildings under the repealed Act shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been approved under section 18 of this Act.

**Pending notices, applications, etc.**

3.—(1) Any application, register or other document lodged for approval under the provisions of the repealed Act before the appointed day and whose application was not approved before that day shall, where applicable, be deemed to be an application, a register or a document lodged for approval under the corresponding provisions of this Act.

(2) Where anything has been commenced by or on behalf of the Commissioner of Buildings before the appointed day, such thing may be carried on and completed by or under the authority of the Commissioner under the corresponding provisions of this Act.

**Pending appeals**

4. Where an appeal has been made to the Minister under section 6 or 12 of the repealed Act and the appeal has not been dealt with or disposed of immediately

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FOURTH SCHEDULE — *continued*

before the appointed day, the appeal may be dealt with in accordance with that repealed section as if this Act had not been enacted.

**Existing maintenance funds and managing agents**

5.—(1) Every maintenance fund which was established by a developer under the repealed Act before the appointed day in respect of any development shall continue and deemed to be a maintenance fund established by the owner developer of the development under section 16(2) of this Act.

(2) Nothing in this Act shall require any owner developer to dispose of any investments made before the appointed day out of moneys in any maintenance fund continued by this paragraph.

(3) Any person who, immediately before the appointed day, is a managing agent appointed by the Commissioner of Buildings under section 12 of the repealed Act shall continue as such managing agent as if he was appointed under section 19 of this Act.

**Existing subsidiary legislation**

6. Any subsidiary legislation made under the repealed Act and in force immediately before the appointed day shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked or repealed by subsidiary legislation made under this Act.

PART II

PROVISIONS DUE TO AMENDMENTS TO LAND TITLES (STRATA) ACT

**Definitions**

7. In this Part, unless the context otherwise requires —

“former provisions” means Part IV of the Land Titles (Strata) Act (Cap. 158) repealed by this Act;

“repeal day”, in relation to the former provisions, means the date the former provisions are repealed by this Act.

**Strata Titles Boards and its officers**

8. Every person who, immediately before the date of commencement of Part VI of this Act, held office as —

(a) the President or a Deputy President of the Strata Titles Boards;

FOURTH SCHEDULE — *continued*

(b) a member of the panel to the Strata Titles Boards constituted under section 87 of the Land Titles (Strata) Act (Cap. 158) repealed by this Act; or

(c) a Registrar of the Strata Titles Boards,

shall continue in such respective office as if he were appointed under the corresponding provisions of this Act, and their respective appointments shall expire on the date they would have expired if Part VI of this Act had not been enacted.

**Pending proceedings at Strata Titles Boards**

9. This Act shall not affect —

(a) any proceeding commenced or pending before any Strata Titles Board before the date of commencement of Part VI of this Act, and every such proceeding may be continued and everything in relation thereto may be done in all respects after that date as if this Schedule had not been enacted;

(b) the continued operation or force of any order or decision of any Strata Titles Board made before the date of commencement of Part VI of this Act; and

(c) any right of appeal accrued before the date of commencement of Part VI of this Act in respect of any such order or decision of a Strata Titles Board.

**Continuation of existing management corporations**

10.—(1) A management corporation constituted in respect of a strata title plan under the former provisions shall continue and shall, on and from the repeal day, be deemed to be the management corporation constituted under this Act in respect of that strata title plan.

(2) Subject to the provisions of this Part, any resolution, decision, consent or approval of or by any management corporation made or taken before the repeal day under the former provisions shall be deemed to have been made or taken under the corresponding provisions of this Act.

**Continuation of councils**

11.—(1) Any council constituted under the former provisions for a management corporation continued by the operation of paragraph 10 shall, subject to this Act, be, on and from the repeal day, the council of that management corporation.

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FOURTH SCHEDULE — *continued*

(2) A person who, immediately before the repeal day, is a member of a council referred to in sub-paragraph (1) shall continue in such respective office as if he were elected as a member of that council under the corresponding provisions of this Act.

(3) Nothing in Division 3 of Part V of this Act shall require any person who, immediately before the repeal day, is holding office as a treasurer of a management corporation continued by paragraph 10 or its council for more than 2 consecutive terms to vacate his office on or after that day, but that person shall not be re-appointed to hold office as such treasurer at the next annual general meeting at which a new council is elected by the management corporation.

(4) Nothing in Division 3 of Part V of this Act shall require any person who, immediately before the repeal day, is a member of a council referred to in sub-paragraph (1) and is an undischarged bankrupt to vacate his office on or after that day by reason only of such bankruptcy.

**Pending general meetings and council meetings**

12. Any meeting of a management corporation continued by the operation of paragraph 10 or any council thereof, the notice of which has been given in accordance with the former provisions and before the repeal day, shall continue to be conducted and held in accordance with those former provisions as if this Act had not been enacted.

**Management and sinking funds of continued management corporations**

13.—(1) Subject to sub-paragraph (4), where a determination made or a contribution levied under the former provisions by a management corporation continued by the operation of paragraph 10 was in force immediately before the repeal day, that determination or contribution, as the case may be, shall be deemed to have been made, taken or (as the case may be) levied by the management corporation under the corresponding provisions of this Act.

(2) Any contribution levied under the former provisions by a management corporation continued by the operation of paragraph 10 and unpaid on the repeal day may be recovered by the management corporation, and as and on and from the repeal day, shall bear interest as if it were a contribution levied under this Act.

(3) Every management fund and sinking fund which, immediately before the repeal day, is kept under the former provisions by a management corporation continued by the operation of paragraph 10 shall continue and be deemed to be the management fund and sinking fund, respectively, required under section 38 of this Act to be established and maintained by that management corporation.

FOURTH SCHEDULE — *continued*

(4) Notwithstanding anything in this paragraph, any resolution or any determination made under the former provisions by a management corporation continued by the operation of paragraph 10 shall, if inconsistent with section 2(9), be void to the extent of that inconsistency.

**By-laws of continued management corporations**

14.—(1) Subject to this paragraph, every by-law that was made in respect of any parcel comprised in a strata title plan under the former provisions by a management corporation continued by the operation of paragraph 10 and that was in force immediately before the repeal day shall continue in force and be deemed to have been made under section 32 or 33 of this Act.

(2) Subject to sub-paragraph (3), the by-laws in force for any parcel comprised in a strata title plan in respect of which a management corporation continued by the operation of paragraph 10 is constituted shall be the following by-laws in force immediately before the repeal day:

- (a) the by-laws set out in the First Schedule to the Land Titles (Strata) Act (Cap. 158) repealed by this Act; and
- (b) any additional by-laws or any amendments or repeals relating to those by-laws, made by the management corporation and lodged with the Commissioner of Buildings in accordance with section 41 of the Land Titles (Strata) Act repealed by this Act.

(3) The by-laws prescribed by regulations under this Act may apply to and be the by-laws for every parcel comprised in a strata title plan in respect of which a management corporation continued by the operation of paragraph 10 is constituted if the management corporation, by special resolution, adopts the by-laws prescribed by regulations under this Act in substitution for the by-laws set out in the First Schedule of the Land Titles (Strata) Act repealed by this Act.

(4) Where, immediately before the repeal day, a subsidiary proprietor of a lot was entitled, pursuant to former section 41 of the Land Titles (Strata) Act repealed by this Act, to a right of exclusive use and enjoyment of, or special privileges in respect of, any common property, the subsidiary proprietor for the time being of the lot shall continue to be entitled to that right or those special privileges in accordance with the terms of the by-law, and any such by-law shall be terminable on reasonable notice unless the management corporation otherwise resolves by unanimous resolution.

(5) Any by-law made under the former provisions by a management corporation continued by the operation of paragraph 10 shall, if inconsistent with section 2(9), be void to the extent of that inconsistency.

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FOURTH SCHEDULE — *continued*

**Former initial period**

15.—(1) Where the former initial period of a management corporation continued by the operation of paragraph 10 is current immediately before the repeal day, section 49 of this Act shall not apply to the management corporation, and the former initial period shall —

- (a) continue to run from the date or event from which it was running immediately before the repeal day; and
- (b) expire (subject to any former provisions for its extension) whenever it would have expired if this Act had not been enacted,

and any rights, obligations, restrictions, powers or duties that, under those former provisions, are dependent on the beginning, duration or end of that former initial period shall continue as if this Act had not been enacted.

(2) In sub-paragraph (1), “former initial period” means the initial period referred to in section 51 of the Land Titles (Strata) Act repealed by this Act.

**Existing proxies**

16. Any appointment of a person as a proxy of another person under the First Schedule to the Land Titles (Strata) Act (Cap. 158) repealed by this Act, being an appointment in force immediately before the date of such repeal, shall be deemed to be an instrument of proxy made under the provisions of this Act.

**Commissioner’s previous notices and orders, etc.**

17.—(1) Any schedule of strata units accepted or deemed accepted by the Commissioner of Buildings under section 7 of the Land Titles (Strata) Act repealed by this Act shall be deemed to have been accepted by the Commissioner under section 11 of this Act.

(2) Any approval, notice, order, permission, acceptance or other document prepared, made, granted or approved by the Commissioner of Buildings under the provisions of the Land Titles (Strata) Act repealed by this Act shall, so far as it is not inconsistent with the provisions of this Act, continue and be deemed to have been prepared, made, granted or approved under the corresponding provisions of this Act.

**References in other written laws**

18. Any written law or document referring to the former provisions shall, as far as may be necessary for preserving its effect, be construed as referring or as including a reference to the corresponding provisions in this Act.

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FIFTH SCHEDULE

Section 140

CONSEQUENTIAL AMENDMENTS TO OTHER WRITTEN LAWS

*First column*

*Second column*

(1) Building Control Act  
(Chapter 29, 1999 Ed.)

(a) Section 2 (1)

(i) Delete the definition of "common property" and substitute the following definition:

““common property” has the same meaning as in the Building Maintenance and Strata Management Act 2004;”.

(ii) Insert, immediately after the definition of "key structural elements", the following definition:

““limited common property” has the same meaning as in the Building Maintenance and Strata Management Act 2004;”.

(iii) Delete paragraph (c) of the definition of "owner" and substitute the following paragraphs:

“(c) the common property of any subdivided building, includes the management corporation established under the Building Maintenance and Strata Management Act 2004 having control of the building, or the person receiving any rent or charge for the maintenance of that common property or any

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FIFTH SCHEDULE — *continued*

body corporate  
constituted under an  
order made by the  
Minister under section 3  
of the HUDC Housing  
Estates Act (Cap. 131);

(ca) the limited common  
property of any  
subdivided building,  
includes the subsidiary  
management corporation  
established under the  
Building Maintenance  
and Strata Management  
Act 2004 having control  
of the limited common  
property, or the person  
receiving any rent or  
charge for the  
maintenance of that  
limited common  
property;”.

(b) Section 26 (1)

(i) Delete the word “and” at the end of  
paragraph (b) (ii) of the definition of  
“owner”.

(ii) Insert, immediately after paragraph (b)  
of the definition of “owner”, the following  
paragraph:

“(ba) the limited common  
property of any building  
comprising 2 or more  
flats, means the  
subsidiary management  
corporation or the person  
receiving any rent or  
charge for the  
maintenance and  
management of that  
limited common  
property; and”.

FIFTH SCHEDULE — *continued*(2) Civil Defence Shelter Act  
(Chapter 42A, 1998 Ed.)

## Section 2 (1)

Delete the word “and” at the end of paragraph (b) of the definition of “owner” and insert immediately thereafter the following paragraph:

“(ba) in relation to the limited common property of any building erected on land comprised in a strata subdivision plan approved by the competent authority, means the subsidiary management corporation having control of that limited common property; and”.

(3) Control of Vectors and Pesticides Act  
(Chapter 59, 2002 Ed.)

## Section 2

Delete paragraph (c) of the definition of “owner” and substitute the following paragraphs:

“(c) in relation to the common property of any building erected on land comprised in a strata subdivision plan approved by the competent authority, includes the management corporation having control of the building, a managing agent appointed by a management corporation or by the Commissioner of Buildings under the Building Maintenance

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FIFTH SCHEDULE — *continued*

and Strata Management Act 2004, and a liquidator appointed for that management corporation;

- (ca) in relation to the limited common property of any building erected on land comprised in a strata subdivision plan approved by the competent authority, includes the subsidiary management corporation having control of that limited common property, and a managing agent appointed by a subsidiary management corporation or by the Commissioner of Buildings under the Building Maintenance and Strata Management Act 2004, and a liquidator appointed for that subsidiary management corporation; and”.

(4) Environmental Pollution Control Act  
(Chapter 94A, 2002 Ed.)

Section 2

(i) Delete the word “and” at the end of paragraph (b) of the definition of “owner”.

(i) Delete paragraph (c) of the definition of “owner” and substitute the following paragraphs:

“(c) the common property of any subdivided building,

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 FIFTH SCHEDULE — *continued*

includes the management corporation established under the Building Maintenance and Strata Management Act 2004 having control of the building, or the person receiving any rent or charge for the maintenance of that common property or any body corporate constituted under an order made by the Minister under section 3 of the HUDC Housing Estates Act (Cap. 131); and

- (d) the limited common property of any subdivided building, includes the subsidiary management corporation established under the Building Maintenance and Strata Management Act 2004 having control of the limited common property, or the person receiving any rent or charge for the maintenance of that limited common property;”.

(5) Environmental Public Health Act  
(Chapter 95, 2002 Ed.)

Section 2

- (i) Delete the word “and” at the end of paragraph (b) of the definition of “owner”.

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FIFTH SCHEDULE — *continued*

(ii) Delete paragraph (c) of the definition of “owner” and substitute the following paragraphs:

“(c) the common property of any subdivided building, includes the management corporation established under the Building Maintenance and Strata Management Act 2004 having control of the building, or the person receiving any rent or charge for the maintenance of that common property or any body corporate constituted under an order made by the Minister under section 3 of the HUDC Housing Estates Act (Cap. 131); and

(d) the limited common property of any subdivided building, includes the subsidiary management corporation established under the Building Maintenance and Strata Management Act 2004 having control of the limited common property, or the person receiving any rent or charge for the maintenance of that limited common property;”.

(6) Factories Act  
(Chapter 104, 1998 Ed.)

FIFTH SCHEDULE — *continued*

## Section 73

Delete subsection (6) and substitute the following subsection:

“(6) In this section, “owner”, in relation to —

- (a) the common property of any sub-divided building, includes the management corporation having control of the building or the person receiving any rent or charge for the maintenance of that common property; and
- (b) the limited common property of any subdivided building, includes the subsidiary management corporation having control of the limited common property or the person receiving any rent or charge for the maintenance of that limited common property.”.

(7) Fire Safety Act  
(Chapter 109A, 2000 Ed.)

## Section 2 (1)

(i) Delete the words “or common property” in paragraph (e) of the definition of “fire hazard” and substitute the words “, common property or limited common property”.

(iii) Insert, immediately after paragraph (b) of the definition of “owner”, the following paragraph:

“(ba) in relation to the limited common property of any building erected on land

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FIFTH SCHEDULE — *continued*

comprised in a strata subdivision plan approved by the competent authority, means the subsidiary management corporation having control of that limited common property; and”.

(8) Goods and Services Tax Act  
(Chapter 117A, 2001 Ed.)

Fourth Schedule, paragraph 4

Insert, immediately after the words “common property” in sub-paragraph (3) (b), the words “or limited common property”.

(9) Housing Developers (Control  
and Licensing) Act  
(Chapter 130, 1985 Ed.)

(a) Section 22(2)

Insert, immediately after paragraph (c), the following paragraphs:

“(ca) the disclosure in any contract that shall be used by a licensed housing developer, his agent or nominee and a purchaser of any limited common property comprised in the development;

(cb) any matter which by this Act is required or permitted to be prescribed for or in relation to staged developments, and modify the application of any of the provisions of this Act in relation to staged developments;”.

FIFTH SCHEDULE — *continued*

(b) New section 23A

Insert, immediately after section 23, the following section:

**“Staged developments**

23A.—(1) Every staged development of a housing development shall be carried out subject to a staged development contract in the prescribed form that is accepted by the Controller under this section.

(2) For the purposes of this Act, the Controller may refuse to accept any staged development contract in relation to any staged development of a housing development, and any amendments thereto, if the contract —

- (a) is not in the prescribed form;
- (b) does not describe or adequately describe the concept plan for the entire staged development, and so much of the proposed development that is warranted development and is an authorised proposal; and
- (c) does not specify the proposed date the entire staged development is to be finally completed and concluded and such other information, conditions or particulars as may be prescribed.

(3) No amendment to a staged development contract accepted

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FIFTH SCHEDULE — *continued*

under this Act by the Controller in relation to any staged development referred to in subsection (1) shall be valid unless the amendment is accepted by the Controller.

(4) In this Act, “authorised proposal”, “staged development” and “warranted development” shall have the same respective meanings as in the Building Maintenance and Strata Management Act 2004.”.

(10) HUDC Housing Estates Act  
(Chapter 131, 1985 Ed.)

(a) Section 2 (1)

(i) Delete the words “Buildings and Common Property (Maintenance and Management) Act” in the definition of “Commissioner” and substitute the words “Building Maintenance and Strata Management Act 2004”.

(ii) Delete the marginal reference “Cap. 30” in the definition of “Commissioner”.

(b) Section 17 (5)

(i) Delete the words “Buildings and Common Property (Maintenance and Management) Act” and substitute the words “Building Maintenance and Strata Management Act 2004”.

(ii) Delete the marginal reference “Cap. 30”.

(11) Planning Act  
(Chapter 232, 1998 Ed.)

(a) Section 2

(i) Insert, immediately after the definition of “owner”, the following definition:

““parcel” has the same meaning as in the Building Maintenance and Strata Management Act 2004;”.

FIFTH SCHEDULE — *continued*

(ii) Insert, immediately after the definition of “repealed Act”, the following definitions:

““staged development” has the same meaning as in the Building Maintenance and Strata Management Act 2004;

“strata title plan” has the same meaning as in the Building Maintenance and Strata Management Act 2004;”.

(b) New section 24A

Insert, immediately after section 24, the following section:

**“Planning permission for staged developments**

24A.—(1) Without prejudice to section 12, no person shall carry out any development —

(a) for the first stage of that staged development except with planning permission granted under this Part for that stage of the staged development and provisional permission granted under this Part for every subsequent stage of that staged development; and

(b) for any stage of that staged development except with planning permission granted under this Part for that stage of the staged development.

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FIFTH SCHEDULE — *continued*

(2) Without prejudice to section 14, the competent authority shall not grant any planning permission for any development of any parcel that is a stage of a staged development unless the competent authority is satisfied that each subsequent stage has regard to the first stage and the stage immediately preceding.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part thereof during which the offence continues after conviction.

(4) Where a person is convicted of an offence under subsection (3) in respect of any development of land without having been previously served with an enforcement notice in respect of the development, the competent authority may serve an order on the person directing him to remove from the land, within 14 days of the date of service of the order, all such property or materials used in connection with the offence as may be specified in the order.

(5) An application for planning permission for a staged development shall be made and dealt with in accordance with the provisions of this Part with the necessary modifications.

(6) Without prejudice to section 15, the competent authority may, by way of conditions on the grant of planning

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FIFTH SCHEDULE — *continued*

permission in respect of any staged development, require the applicant for planning permission to place with it a security deposit for the completion of the staged development in accordance with its application and within the time mentioned in the grant of planning permission.”.

(c) New section 34A

Insert, immediately after section 34, the following section:

**“Application to staged developments**

34A. The provisions of this Part shall apply, with the necessary modifications, in respect of every staged development.”.

(d) Section 40 (1)

Insert, immediately after the words “development charge” in paragraph (a), the words “, including the rates and methods in respect of the different stages of a staged development”.

(e) Section 61 (2)

Insert, immediately after paragraph (l), the following paragraph:

“(la) any matter which by this Act is required or permitted to be prescribed for or in relation to staged developments, and modify the application of any of the provisions of this Act in relation to staged developments;”.

(12) Sale of Commercial  
Properties Act  
(Chapter 281, 1985 Ed.)

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FIFTH SCHEDULE — *continued*

(a) New section 7A

Insert, immediately after section 7, the following section:

**“Staged developments**

7A.—(1) Every staged development wholly of commercial property shall be carried out subject to a staged development contract in the prescribed form that is accepted by the Controller under this section.

(2) For the purposes of this Act, the Controller may refuse to accept any staged development contract in relation to any staged development wholly of commercial property, and any amendments thereto, if the contract —

- (a) is not in the prescribed form;
- (b) does not describe or adequately describe the concept plan for the entire staged development, and so much of the proposed development that is warranted development and is an authorised proposal; and
- (c) does not specify the proposed date the entire staged development is to be finally completed and concluded or such other information, conditions or particulars as may be prescribed.

(3) No amendment to a staged development contract accepted under this Act by the Controller in

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 FIFTH SCHEDULE — *continued*

relation to any staged development referred to in subsection (1) shall be valid unless the amendment is accepted by the Controller.

(4) In this Act, “authorised proposal”, “staged development” and “warranted development” shall have the same respective meanings as in the Building Maintenance and Strata Management Act 2004.”.

(b) Section 10(2)

Insert, immediately after paragraph (c), the following paragraphs:

“(ca) require the disclosure in any sale and purchase agreement of any limited common property comprised in the commercial property to be sold;

(cb) prescribe any matter which by this Act is required or permitted to be prescribed for or in relation to staged developments, and modify the application of any of the provisions of this Act in relation to staged developments;”.

(13) Sewerage and Drainage Act  
(Chapter 294, 2001 Ed.)

Section 2

(i) Delete the word “and” at the end of paragraph (a) of the definition of “owner”.

(iii) Delete paragraph (b) of the definition of “owner” and substitute the following paragraphs:

“(b) the common property of any building erected on

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FIFTH SCHEDULE — *continued*

land comprised in a strata subdivision plan approved by the competent authority, includes the management corporation having control of the building, and a managing agent appointed by a management corporation or by the Commissioner of Buildings under the Building Maintenance and Strata Management Act 2004, and a liquidator appointed for that management corporation; and

- (c) the limited common property of any building erected on land comprised in a strata subdivision plan approved by the competent authority, includes the subsidiary management corporation having control of that limited common property, and a managing agent appointed by a subsidiary management corporation or by the Commissioner of Buildings under the Building Maintenance and Strata Management Act 2004, and a liquidator appointed for that subsidiary

FIFTH SCHEDULE — *continued*

management  
corporation;”.

(14) Smoking (Prohibition in  
Certain Places) Act  
(Chapter 310, 2002 Ed.)

Section 3 (1)

Insert, immediately after the words  
“common property” in paragraph (b), the  
words “or limited common property”.

(15) Town Councils Act  
(Chapter 329A, 2000 Ed.)

(a) Section 2 (1)

Delete the words “and windows” in  
paragraph (a) of the definition of  
“common property”.

(b) Section 23 (1)

Delete the words “Buildings and Common  
Property (Maintenance and Management)  
Act (Cap. 30)” in paragraph (b) and  
substitute the words “Building  
Maintenance and Strata Management Act  
2004”.