



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**BUILDING MAINTENANCE AND  
STRATA MANAGEMENT  
ACT 2004**

**2020 REVISED EDITION**

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# Building Maintenance and Strata Management Act 2004

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An Act to provide for proper maintenance and management of buildings.

[1 April 2005: Except sections 11(2), (4) and (6), 12(2) and 33(8) and (9), Part VII, item (5) in the Third Schedule and items (9)(b), (11) and (12)(a) in the Fifth Schedule ]

PART 1  
PRELIMINARY

**Short title**

1. This Act is the Building Maintenance and Strata Management Act 2004.

**Interpretation**

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

“Board” means any Strata Titles Board constituted under Part 6;

“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 1999;

“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 1998;

“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;
- (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; or
- (c) in relation to any land and building mentioned in paragraph (a) or (b), any of the following whether or not comprised in a lot, proposed lot or non-strata lot:

- (i) the pipes, wires, cables or ducts which are used, or capable of being used or enjoyed, by occupiers of 2 or more lots, proposed lots or non-strata lots (as the case may be) within that land or building, or are used or capable of being used for the servicing or enjoyment of the common property;
- (ii) the cubic space enclosed by a structure enclosing pipes, wires, cables or ducts mentioned in sub-paragraph (i);
- (iii) any structural element of the building;
- (iv) the waterproof membrane attached to an external wall or a roof;

*Examples*

- (a) A foundation, load-bearing wall, column or beam, a shear core, strut, ground anchor, slab (not including any layer that is the underlayment or the flooring finishing), truss and common staircase.
- (b) An external wall, or a roof or façade of a building which is used or enjoyed, or capable of being used or enjoyed, by occupiers of 2 or more lots, proposed lots or non-strata lots.
- (c) A garden, sporting or recreational facility, car park or parking area for other vehicles, none of which are comprised in a lot, proposed lot or non-strata lot.
- (d) A central air conditioning system and its appurtenances, and a fire sprinkler protection system and its appurtenances.
- (e) Any chute, pipe, wire, cable, duct or facility for the passage or provision of water, sewage, drainage, gas, oil, electricity, telephone, radio, television, garbage, heating or cooling systems, or any other similar services.

“competent authority” means the competent authority appointed under section 5 of the Planning Act 1998 in respect of the development or subdivision 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;

- “escalator” means a power-driven stairway with continuously moving steps and handrails, designed for carrying people between different floors of a building, and includes a passenger conveyor but excludes any escalator prescribed;
- “executive committee”, in relation to a subsidiary management corporation, means the executive committee of that subsidiary management corporation;
- “exterior feature” has the meaning given by the Building Control Act 1989;
- “immediate family member”, in relation to any person, means a spouse, child, adopted child, stepchild, 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 subsidiary management corporation (as the case may be) is held,
- whichever first occurs;
- “inspect” includes examine and test, with or without the aid of equipment;
- “land” has the meaning given by the Land Titles Act 1993;
- “lift” means a power-driven installation that —
- (a) is, or is intended to be, permanently installed in or attached to a building or part of a building;
  - (b) is used or designed for use for raising or lowering, or both raising and lowering, people or goods, or people and goods; and

- (c) has a car, cage or platform, the direction or movement of which is substantially vertical and restricted by a guide or guides,

and includes any supporting structure, machinery, equipment, gear and enclosure used or designed for use for operating a lift, but excludes any lift prescribed;

“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 2 or more (but not all) of those proposed lots in the parcel; or
- (b) in the case of common property comprised in a strata title plan — designated in the strata title plan or a comprehensive resolution mentioned 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 —

- (c) the foundations, columns, beams, supports, walls, roofs of, and any window installed in any external wall of, any building within that parcel, whether or not they are comprised in any lot or proposed lot;
- (d) 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; and
- (e) all other windows of a lot or proposed lot that are located on any exterior wall of the lot or proposed lot;

“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 1967;

“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-lot acquisition” means any acquisition under the Land Acquisition Act 1966 of any common property (and no other land) comprised in a strata title plan;

“non-lot acquisition related expenses”, in relation to any management corporation for a strata title plan, means —

(a) any legal costs, valuation and other professional fees reasonably incurred by the management corporation in relation to the preparation and filing of a claim for compensation under the Land Acquisition Act 1966, or any appeal under that Act, in respect of any non-lot acquisition affecting the strata title plan; and

- (b) any other financial costs reasonably incurred by the management corporation in convening and conducting meetings for or in connection with the preparation and filing of a claim for compensation under the Land Acquisition Act 1966, or any appeal under that Act, in respect of any non-lot acquisition relating to its strata title plan;

“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 for 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 the person’s 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 1960 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;

“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 of a building, means —

(a) except as otherwise provided by paragraph (b), (c) or (d), the owner of the premises or building which the exterior feature is installed on, forms part of or projects outwards from, or such other person who has charge and control of the management and maintenance of the exterior feature;

(b) subject to paragraph (c), where the exterior feature is part of any common property or limited common property —

(i) in the case of common property of any housing estate of the Housing and Development Board — the Town Council established under the Town Councils Act 1988 for that housing estate or the contractor (if any) engaged by the Town Council and who has charge and control of the management and maintenance of the common property; or

(ii) in the case of common property or limited common property of any other land (whether or not comprised in a strata title plan) — the owner thereof or the managing agent (if any) appointed by the owner and who has charge and control of the management and maintenance of the common property or limited common property, unless otherwise provided by paragraph (d);

- (c) where the exterior feature is a window, grille or shutter that is part of a flat — the owner of that flat or other person who ordinarily has daily charge and control over the maintenance and use of the window, grille or shutter; or
- (d) any other person prescribed as the person responsible for the exterior feature;

“planning permission” has the meaning given by the Planning Act 1998;

“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 1993;

“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, 2000 Revised Edition) 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;
- “strata roll”, in relation to any subdivided building shown on a strata title plan, means the roll mentioned 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;
- “strata title plan” has the meaning given by the Land Titles (Strata) Act 1967;
- “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;
- “structural defect” means a defect in a structural element of a building that —
- (a) results in, or is likely to result in, the building or any part of the building being required by or under any law to be closed or prohibited from being used;
  - (b) prevents, or is likely to prevent, the continued practical use of the building or any part of the building; or
  - (c) results in, or is likely to result in, a threat of imminent collapse that may reasonably be considered to cause destruction of the building or physical damage to the building or any part of the building;
- “structural element”, for a building, means an internal or external load-bearing component of the building that is

essential to the stability of the building or part of the building,  
but does not include any door or window;

*Examples*

- (a) A foundation, load-bearing wall, column or beam, a shear core, strut, ground anchor, slab or truss.
- (b) A common staircase.

“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 1967;

“subsidiary proprietor” has the meaning given by the Land Titles  
(Strata) Act 1967;

“temporary building” has the meaning given by the Building  
Control Act 1989;

“temporary occupation permit” means a temporary occupation  
permit granted by the Commissioner of Building Control  
under the Building Control Act 1989;

“wall” includes a door, window or other structure forming part  
of the wall;

“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 an interior of the  
building;

“working day” means any day other than a Saturday, Sunday or  
public holiday.

[26/2014; 35/2017]

(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 held on the 15th day (or later) after the 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.

*[35/2017]*

(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 held on the 22nd day (or later) after the 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.

*[35/2017]*

(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 held on the 22nd day (or later) after the 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.

*[35/2017]*

(5) For any management corporation or subsidiary management corporation, a motion is decided by 90% resolution if —

- (a) the motion is passed at a duly convened general meeting of such corporation held on the 22nd day (or later) after the 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.

*[35/2017]*

(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 held on the 22nd day (or later) after the 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.

*[35/2017]*

(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 held on the 22nd day (or later) after the 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.

*[35/2017]*

(8) For the purposes of subsections (2) to (6), a valid vote, in relation to any motion to be decided by any resolution mentioned 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 non-strata lot (as the case may be), being either louvres, casement windows, sliding windows or windows with any movable part, are part of the lot, proposed lot or non-strata lot (as the case may be) 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 non-strata lot (as the case may be) are common property, unless otherwise described in a strata title plan.

## PART 2

### 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 has, subject to any general or special directions of the Minister, charge of the administration of this Act and may perform any other duties that are imposed and may exercise any powers that are conferred upon the Commissioner 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,

such number of officers as the Commissioner considers necessary for the purpose of assisting him or her 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) is 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) are deemed to be public servants within the meaning of the Penal Code 1871.

## **PART 3**

### **MAINTENANCE OF BUILDINGS**

#### **Interpretation of this Part**

4A. In this Part, unless the context otherwise requires, “building” includes a temporary building or structure.

[35/2017]

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

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

(2) Subject to section 134, this Part also applies 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 the exterior feature or its support,

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

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

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

*[35/2017]*

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

as the case may be.

(4) If a notice under subsection (1) is not complied with to the Commissioner's 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 the Commissioner in the exercise of his or her powers under this section from the person in default.

(5) Without affecting 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 of a day during which the offence continues after conviction.

### **Recovery of expenses**

**6A.—**(1) All expenses incurred by the Commissioner in or about the execution of any repairs, work or alteration under section 6(4)(a), together with interest accruing in accordance with subsection (5), are recoverable from the person in default on the date on which the repairs, work or alteration are completed.

[35/2017]

(2) As from the date of the completion of the repairs, work or alteration, the expenses of and interest accrued due from the completion of the repairs, work or alteration are, until recovered, a first charge on the premises and on all estates and interests in the premises, exercisable against the premises and the estates and interests in the premises and all movable property or crops for the time being found on the premises, despite any change in the ownership or occupation of the premises subsequent to that date.

*[35/2017]*

(3) The Commissioner may certify under his or her hand the expenses due and the names of the persons liable for the expenses and may by such certificate apportion the expenses among those persons.

*[35/2017]*

(4) A copy of the certificate must be served upon each of those persons mentioned in subsection (3), but where no such persons may be found, the certificate is deemed to have been duly served if a copy of the certificate is posted at the office of the Commissioner and another copy is affixed to some conspicuous part of the premises in respect of which the expenses have been incurred.

*[35/2017]*

(5) Interest at the rate of 9% per annum from the expiry of one month after the date of service of a certificate under subsection (4) is recoverable as part of the expenses incurred by the Commissioner.

*[35/2017]*

(6) A certificate purporting to be under the hand of the Commissioner and to be made under subsection (3) and stating the amount claimed as due to the Commissioner and the persons liable for the payment of the amount is prima facie evidence of the facts certified in the certificate and of the signature of the Commissioner to the certificate.

*[35/2017]*

(7) If any sum or any part of the sum due to the Commissioner under this section remains unpaid at the expiry of one month starting from the date of service of the certificate under subsection (4), or such further period as the Commissioner may allow, it is deemed to be arrears.

*[35/2017]*

**Deposit by building owner, etc.**

7.—(1) Without affecting section 6(4), where a notice under section 6(1) is not complied with to the Commissioner's 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 or she considers necessary for the purpose of executing the repairs, work and alteration specified in that notice, and that amount must be deposited with the Commissioner within the period, not being less than 7 days from the service of the direction, that the Commissioner specifies.

(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 or her, if the repairs, work and alteration required to be executed by the notice under section 6(1) have been executed to his or her satisfaction.

**Appeal against notice to repair**

8.—(1) Any person on whom a notice under section 6(1) is served may, not later than the 21st day after the date of receipt of the notice, appeal in writing to the Minister against the notice in the prescribed manner.

[35/2017]

(2) Even though an appeal is lodged under subsection (1), the notice appealed against takes effect and must be complied with unless the Minister orders otherwise.

(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 Minister's decision in any appeal under this section is 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 the 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 is presumed, in the absence of proof to the contrary, that the person responsible for an exterior feature of a building has failed 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 the 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.

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

(4) Without affecting subsection (3), a person responsible for an exterior feature shall not, by virtue of subsection (1), be guilty of an offence under that subsection if —

- (a) not later than the 7th day after service on the person of any notice alleging that the person has been guilty of such offence, the person furnishes by statutory declaration to the Commissioner the name and address of the contractor, managing agent or other person appointed by the person responsible to manage and maintain the exterior feature at all relevant times relating to the offence concerned; and
- (b) the person satisfies the court that the person relied, in good faith and after making proper inquiry (if the circumstances indicated the need for inquiry of the advice or services), on professional or expert advice or other services given or

rendered by the contractor, managing agent or other person in relation to the exterior feature concerned.

[35/2017]

(5) A statutory declaration made under subsection (4) if produced in any proceedings against the person named therein and in respect of the offence concerned is prima facie evidence that the person had charge and control of the management and maintenance of the exterior feature at all relevant times relating to that offence.

## PART 4

### DEALINGS IN STRATA SUBDIVIDED BUILDINGS

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

**10.—**(1) This Part applies only to any development for which planning permission is granted on or after 15 April 1976 for strata division after completion of any building comprised in the development.

[35/2017]

(2) For the purposes of this Part and Part 5, an owner developer is deemed to have sold a lot or proposed lot in the owner developer’s development if —

- (a) by an agreement in writing, conditional or otherwise (but not an agreement mentioned in section 13), the owner developer has agreed to convey, transfer, assign or otherwise dispose of the owner developer’s 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 mentioned in section 13), the owner developer has conveyed, transferred, assigned or otherwise disposed of the owner developer’s 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 must 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.

*[35/2017]*

(2) *[Deleted by Act 35 of 2017]*

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

(4) *[Deleted by Act 35 of 2017]*

(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 the Commissioner is satisfied that the proposed share values 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) *[Deleted by Act 35 of 2017]*

(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 must either —

(a) notify the owner developer concerned in writing of the Commissioner's acceptance of that schedule; or

(b) notify the owner developer concerned that the Commissioner rejects that schedule, stating his or her 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 is 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

determined in accordance with the proposed share values 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.

*[35/2017]*

### **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 must 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 the owner developer has filed an amended schedule of strata units with the Commissioner and the Commissioner accepts that amended schedule of strata units.

(2) *[Deleted by Act 35 of 2017]*

(3) Subsection (1) applies 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 a 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.

*[35/2017]*

(4) Without affecting subsections (1) 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 after the lot or proposed lot is sold only —

- (a) with the consent of the purchaser of the lot or proposed lot, unless the alteration to the share value is a minor adjustment necessitated by an increase or a shortfall in the area of the lot or proposed lot after it has been surveyed on its completion;
- (b) after the passing of any of the following resolutions:
  - (i) a 90% resolution under section 34(1) to execute on behalf of its subsidiary proprietors a transfer of any part of common property as provided in section 23 of the Land Titles (Strata) Act 1967;
  - (ii) a special resolution under section 34(3) to create additional common property;
  - (iii) the respective special resolutions under section 34(5) to amalgamate the common properties of 2 or more management corporations; or
- (c) in connection with the registration of a strata title application for redevelopment under section 12 of the Land Titles (Strata) Act 1967.

*[35/2017]*

(5) The Commissioner may accept an amended schedule of strata units that is filed to alter a schedule of strata units for a development in the circumstances mentioned in subsection (4), if and only if the Commissioner is satisfied that the proposed share values allotted to the lot or lots affected are allocated in a just and equitable manner.

*[35/2017]*

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

**13.—**(1) Section 11(1) does 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 redevelopment of the land to that other party before the legal completion of the collective sale of the land.

[35/2017]

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

- (a) any sale and purchase agreement mentioned in section 84A, 84D, 84E, 84F, 84FA or 84FB of the Land Titles (Strata) Act 1967;
- (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.

[13/2010; 35/2017]

## **Offences**

**14.** Any person who contravenes section 11(1) or 12(1) 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.

[35/2017]

## PART 5

### 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 applies only to any development of land —

- (a) for which planning permission is granted (whether before, on or after 1 April 2005) 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 applies to a development mentioned 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 must establish one or more maintenance funds in accordance with this section at any time on or after —

- (a) the date the first temporary occupation permit is issued in respect of any lot or proposed lot in the development; or
- (b) a subsequent date when this Division applies to the development,

whichever is the later.

*[35/2017]*

(2) The owner developer of every such development must establish a general maintenance fund, which must 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) any 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;
- (fa) to pay any connection charge payable under section 31M, and any tariff payable under section 31N, of the Environmental Public Health Act 1987;
- (g) to pay all charges reasonably incurred for the administration of the maintenance fund and the common property of that development.

*[48/2018]*

(3) Where any such development comprises any limited common property, the owner developer must, in addition, establish a separate special maintenance fund, which must 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) any 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;
- (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 of a day 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 must —

- (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 from the date the maintenance charges are 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;

- (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 that lot or proposed lot if sold from the date the relevant maintenance fund is so established under section 16; 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 from the date the relevant maintenance fund is so established under section 16.

*[35/2017]*

(2) Despite subsection (1), the owner developer is authorised to pay all maintenance charges in respect of a lot or proposed lot in a development mentioned in subsection (1)(a)(i) into the relevant maintenance fund with effect from the later of the following dates:

- (a) the date that is 4 weeks after the date the first temporary occupation permit is issued in respect of any lot or proposed lot in the development;
- (b) the date the relevant maintenance fund is established under section 16 for the development.

*[35/2017]*

(3) All moneys in any maintenance fund for a development must 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 the 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 must be deposited only with a bank which is licensed under the Banking Act 1970, and must not be invested.

(5) The owner developer of a development must —

- (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;
- (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 not later than the 28th day after the accounts of every such maintenance fund have been audited;
- (e) permit the Commissioner, or any person authorised by the Commissioner to act on his or her 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 the intervals required by the Commissioner.

*[35/2017]*

(6) Without affecting subsection (5), the owner developer of a development must also —

- (a) not later than the 28th day after the accounts of every such maintenance fund have been audited, make available for a

period of 2 weeks those accounts for inspection by any purchaser of any lot or proposed lot in the development or the purchaser's 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 the purchaser's 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.

*[35/2017]*

(7) The owner developer of a development must maintain a register (called in this Act 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 amended schedule of strata units (as the case may be) 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;
- (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 must, not later than the 14th day after a request is made by the Commissioner, forward to the Commissioner a true copy of the register of purchasers for that development.

*[35/2017]*

(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 of a day during which the offence continues after conviction.

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

**18.—**(1) An owner developer of a development must not 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 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) To avoid doubt, this section does 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 her or a person appointed by him or her, 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 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) is entitled to such remuneration or fees as may be determined by the Commissioner and the remuneration or fees must 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) — to the general maintenance fund mentioned 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) — to the special maintenance fund mentioned in section 16(3).

(3) The Commissioner must not exercise his or her powers under this section unless he or she has given not less than 14 days' notice in writing to the owner developer concerned, specifying his or her intention to appoint a managing agent under subsection (1) and to consider the representations (if any) made by the owner developer not later than the 14th day after the date of service of the notice.

[35/2017]

(4) Any owner developer who is aggrieved by an order made by the Commissioner under subsection (1) in respect of the owner developer's development may, at any time not later than the 21st day after the date of publication of that order in the *Gazette*, appeal in writing to the Minister.

[35/2017]

(5) Even though an appeal has been made under subsection (4) against an order made by the Commissioner under subsection (1), that order has 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) is 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 has control over the moneys in the relevant maintenance fund of the development, but has no power to invest the moneys.

(2) Once a managing agent has been appointed under section 19(1) for a development, no moneys may 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) has all the powers and duties of the owner developer as regards the management and maintenance of the common property or limited common property (as the case may be) of that development.

(4) Without limiting subsection (3), a managing agent appointed by the Commissioner under section 19(1) in respect of a development has 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 the limited common property (as the case may be) 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 the managing agent's own name to recover moneys due to the relevant maintenance fund from the owner developer or any other person.

(5) It is the duty of a managing agent appointed by the Commissioner to pay all moneys received by the managing agent in the managing agent's capacity as such for a development into the relevant maintenance fund of that development.

(6) As soon as practicable after being appointed by the Commissioner, but in any case not later than 2 months after the appointment, a managing agent must prepare and submit to the Commissioner a statement showing as at the date of the managing agent's 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 of 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 must not act as a managing agent unless the

person 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 the managing agent's failure to duly account to the purchasers of a development for moneys received or held by the managing agent.

(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 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 does not relieve the owner developer of that development of any of the owner developer's 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 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 under the Building Control Act 1989; 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 constitute a debt owing to the owner developer, and may be recovered by the owner developer in any court of competent jurisdiction.

[33/2018]

(2) For the purposes of this section, a written demand sent by an owner developer to a purchaser is 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 the purchaser's 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 is 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 must —

- (a) immediately open a bank account in the name of the management corporation and pay into that account all moneys standing to the credit 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 mentioned in paragraph (b) to be kept in a manner that enables them to be conveniently and properly audited.

*[35/2017]*

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

- (a) immediately open a bank account in the name of the subsidiary management corporation and pay into that account all moneys standing to the credit 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 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 mentioned in paragraph (b) to be kept in a manner that enables them to be conveniently and properly audited.

*[35/2017]*

(3) An owner developer of a development must exercise the powers 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 subsidiary management corporation (as the case may be) 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 subsidiary management corporation (as the case may be), the owner developer must —

- (a) transfer control of the management corporation's or subsidiary management corporation's (as the case may be) 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 must —

- (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 mentioned 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 must appoint the auditor of the management corporation, and any auditor so appointed holds 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 must appoint the auditor of the subsidiary management corporation, and any auditor so appointed holds 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 1967 in respect of a strata title plan —

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

control, management and administration of the common property comprised in that strata title plan.

(4) Nothing in this section is to 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 1967.

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

**25.—**(1) The common seal of a management corporation must 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 may 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, the secretary and any other member of the council,

who must 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 the owner developer is also a subsidiary proprietor) must 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;
- (b) a date that is 8 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.

*[35/2017]*

(2) Subject to subsection (8), the chairperson of the first annual general meeting must be the owner developer acting personally or a responsible officer of the owner developer.

*[35/2017]*

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

- (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 may be determined only by the management corporation at a general meeting;
- (e) to appoint a managing agent, if the management corporation so desires, and to determine the powers, duties or functions of the management corporation to be delegated to the managing agent;

(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 the end of 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 must —

(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 1989;

(ii) any as-built drawings in the owner developer's possession that indicate, 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 an amended plan filed with the Commissioner of Building Control under the Building Control Act 1989;

(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;
  - (viii) a manufacturer's manual which relates to prefabricated bathroom units that are incorporated in the development, if any are incorporated in the development;
  - (ix) any other records that may be prescribed; and
- (b) place an annual budget before the meeting for approval, which must be for a period of 12 months starting on the first day of the month following the date of the first annual general meeting.

*[35/2017]*

(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 is deemed to be a debt owing to the management corporation by the owner developer.

(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 the person,

and any meeting so convened by that person is 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 must preside at the meeting and while so presiding, the person is 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 of a day during which the offence continues after conviction.

(10) Where a subsidiary management corporation is constituted for any development by the owner developer of that development, this section also applies to the owner developer in relation to that limited common property —

- (a) as if the reference in this section to a management corporation includes a reference to the subsidiary management corporation;
- (b) as if the reference in this section to the subsidiary proprietors of lots comprised in the strata title plan includes a reference to the subsidiary proprietors of lots for whose exclusive benefit the limited common property is designated on that strata title plan; and

- (c) as if the reference in this section to the council of a management corporation includes a reference to the executive committee of a subsidiary management corporation,

with such prescribed exceptions, modifications and adaptations as the differences between management corporations and subsidiary management corporations require.

[35/2017]

(11) In this section —

“accredited”, in relation to a fabrication facility or a fabrication method, means that the fabrication facility or the fabrication method is accredited by a body specified in the Code of Practice on Buildability issued by the Building and Construction Authority;

“building works” has the meaning given by section 2(1) of the Building Control Act 1989;

“prefabricated bathroom unit” means a bathroom unit (complete with finishes for walls and floors) which is —

- (a) constructed and assembled; or
- (b) manufactured and assembled,

in an accredited fabrication facility, in accordance with any accredited fabrication method, and then installed in a building under building works;

“responsible officer” —

- (a) for an owner developer that is a corporation or limited liability partnership, means —
  - (i) any director, partner, chief executive or employee of the corporation; or
  - (ii) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation, or any employee of the corporation;

- (b) for an owner developer that is a partnership, means any partner in the partnership, or any employee of the partnership; or
- (c) for an owner developer that is an unincorporated association (other than a partnership), means —
  - (i) the president, the secretary, or any member of the committee of the unincorporated association;
  - (ii) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; or
  - (iii) any employee of the unincorporated association.

[35/2017]

**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 must 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 must be held whenever it is convened by the council and is an extraordinary general meeting.

(3) Except as otherwise provided in section 26, the First Schedule applies 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 is a defence to prove that the person took all reasonable steps and exercised all due diligence to secure compliance with this section.

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

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

- (a) ensure that an address for the time being for service of notices on it is lodged with the Registrar of Titles 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.

(2) A management corporation may decide that the address, as lodged with the Registrar of Titles, for the service of notices on the management corporation is to be changed.

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

- (a) not later than the 7th day after deciding, notify the Registrar of Titles and the Commissioner of the change;
- (b) apply to amend the address lodged with the Registrar of Titles and other relevant records accordingly; and
- (c) not later than the 7th day after deciding, serve on each of its subsidiary proprietors a written notice of the change.

*[35/2017]*

(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 is 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) [*Deleted by Act 35 of 2017*]
  - (iii) [*Deleted by Act 35 of 2017*]
  - (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 do all or any of the following for the purpose of improving or enhancing the common property:
  - (i) install, remove, replace or add any facility on the common property;
  - (ii) change the use of the common property;
  - (iii) erect, remove, replace or add to a structure on the common property;
- (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.

*[35/2017]*

(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 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) Despite 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 must, 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) Despite 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 on 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 the subsidiary proprietor under a term or condition of a by-law mentioned in section 33 or under a notice under section 37(4A);
- (b) necessary to remedy a breach of the duty imposed on the subsidiary proprietor, mortgagee in possession, lessee or occupier by section 63(a);
- (c) to rectify any defect in any water pipe or sewer pipe within the lot or any cracks in the wall or floor within the lot; or
- (d) necessary to rectify the subsidiary proprietor's contravention of section 37(1) or (3),

the management corporation may carry out that work.

[35/2017]

(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 mentioned in subsection (2)(a) was made or the notice under section 37(4A) was given.

[35/2017]

(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 pipe, wire, cable or duct mentioned 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 must carry out such work as is necessary to rectify the defect and may recover the cost of such work from any person who has a duty to remedy the defect as a debt in any court of competent jurisdiction.

(6) Where —

- (a) 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
- (b) 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 the person's tenant, lessee, licensee or invitee,

the amount of that expenditure expended by it in performing the repairs, works or acts is 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 mentioned in section 29(1)(b) or (d); or
- (d) any work necessary to repair or renew any pipe, wire, cable or duct mentioned 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 —

- (e) in the case of an emergency — at any time; or
- (f) 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 is regulated by by-laws.

(2) Subject to the Fourth Schedule, the by-laws prescribed by regulations are the by-laws for every parcel comprised in a strata title plan in respect of which a management corporation is constituted on

or after 1 April 2005, and any by-law made under this section or section 33 must not be inconsistent with any such prescribed by-law.

(3) Except as 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 section, 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) any other matters appropriate to the type of strata scheme concerned.

(4) Any by-laws made, and any amendment of, addition to or repeal of the by-laws made under this section or section 33, have no force or effect until a copy of the by-laws or the amendment, addition 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 to, 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, must be lodged by the management corporation with the Commissioner, in the form and manner acceptable to the Commissioner, and not later than the 45th day after the passing of the resolution by the management

corporation approving the making of such by-law or any amendment of, addition to or repeal of any existing by-law.

[35/2017]

(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 personally or by 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 is 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 must —

- (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) make available for viewing, free of charge, the prescribed by-laws and any by-laws made by the management corporation under this section or section 33 which are in force, as follows:
  - (i) display them on a notice board maintained by the management corporation on the common property;
  - (ii) make them available for viewing at the office of the management corporation, on the application of a person who has an interest in so applying; and
- (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, on payment of a fee that is not more than a prescribed amount, a copy of the by-laws.

[35/2017]

(9) No by-law made under this section or section 33 is 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 1967.

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

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

any person bound to comply therewith, the management corporation or the managing agent.

(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 affecting section 32, with the written consent of the subsidiary proprietor of the lot concerned, a management corporation may make a by-law —

- (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 mentioned in subsection (1) must either provide that —

- (a) the management corporation continues 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 are responsible for, at the subsidiary proprietor's or subsidiary proprietors' expense, the performance of the duties of the management corporation mentioned 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 —

- (c) to the management corporation; or
- (d) to any person for or towards the maintenance or upkeep of any common property,

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

(3) Any by-law mentioned in subsection (1), while it remains in force, enures 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 mentioned 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 are responsible at the subsidiary proprietor's or subsidiary proprietors' own expense, for the duties of the management corporation mentioned in subsection (2)(a).

(6) Any moneys payable by a subsidiary proprietor to the management corporation under a by-law mentioned 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 which is 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.

### **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 1967; 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 which is the subject of any lease accepted or acquired by the management corporation under subsection (3).

(2) Subject to the 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) pursuant to an ordinary resolution, 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 which is the subject of any lease accepted or acquired by the management corporation under subsection (3).

*[35/2017]*

(3) A management corporation may, pursuant to a special resolution, and subject to the 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 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, by an ordinary resolution, 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.

*[35/2017]*

(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 the 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) does not authorise a management corporation to accept, grant or execute a surrender of any easement relating to common property which is 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) Despite 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 forms 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 that 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 those parcels become vested as one parcel in all the subsidiary proprietors as tenants-in-common insofar as these parcels affect the common property (as the case may be) and lodge the transfer with the Registrar of Titles.

### **Improvements and additions to lots**

**37.—**(1) Except pursuant to an authority granted under subsection (2), a subsidiary proprietor of a lot that is comprised in a strata title plan must not effect any improvement in or upon the lot for the subsidiary proprietor's 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 on the terms it considers appropriate, by 90% resolution, authorise the subsidiary proprietor to effect any improvement in or upon the subsidiary proprietor's lot mentioned in subsection (1).

(2A) To avoid doubt, subsections (1) and (2) do not affect the operation of the Planning Act 1998, or any requirement under that Act for written permission for any improvement in or upon a lot which increases or is likely to increase the floor area of the land and building comprised in the strata title plan.

[35/2017]

(3) Except pursuant to an authority granted under subsection (4) by the management corporation or permitted under section 37A, a subsidiary proprietor of a lot that is comprised in a strata title plan must not effect any other improvement in or upon the lot for the subsidiary proprietor's benefit which affects the appearance of any building comprised in the strata title plan.

[35/2017]

(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 the subsidiary proprietor's lot mentioned 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.

(4A) Where the management corporation for a strata title plan is satisfied that an improvement in or upon a lot comprised in the strata title plan is effected in contravention of subsection (1) or (3), the management corporation may, by written notice given to the subsidiary proprietor of the lot (whether or not the subsidiary proprietor is responsible for the contravention) require the subsidiary proprietor to carry out and complete, at the subsidiary proprietor's own cost, any works or alteration to the lot to remedy the breach within a reasonable time specified in the notice.

[35/2017]

(5) In this section, in relation to any land and building comprised in a strata title plan, "floor area" has the meaning given by the Planning (Development Charges) Rules.

### **Installation of safety equipment permitted**

**37A.—(1)** A subsidiary proprietor of a lot in a building on a parcel comprised in a strata title plan may install safety equipment on the lot, or as part of any window, door or opening on the lot which is facing

outdoors, despite any other provision of this Act or the regulations or any by-law of the parcel which otherwise prohibits the installation of the safety equipment.

*[35/2017]*

(2) A subsidiary proprietor of a lot in a building who installs safety equipment under this section must —

- (a) repair any damage caused to any part of the common property or limited common property (as the case may be) by the installation of the safety equipment; and
- (b) ensure that the safety equipment is installed in a competent and proper manner and has an appearance, after it has been installed, in keeping with the appearance of the building.

*[35/2017]*

(3) In this section, “safety equipment” means —

- (a) any of the following features to prevent people from falling over the edge of an outdoor-facing balcony or terrace or a window or door or an opening which is outdoor-facing:
  - (i) a window grille or screen;
  - (ii) a balustrade, railing or fence;
- (b) any device capable of restricting the opening of a window or door or an opening which is outdoor-facing;
- (c) any screen or other device to prevent entry of animals or insects on the lot;
- (d) an intruder alarm or monitoring system; and
- (e) any lock or other security mechanism that is designed to protect occupiers of the lot against intruders to the lot.

*[35/2017]*

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

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

(2) A management corporation must 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 that is part of the common property and belongs to the management corporation;
- (ba) all moneys received by it from the Collector of Land Revenue as an award of compensation under the Land Acquisition Act 1966 for any non-lot acquisition relating to its strata title plan;
- (c) any fee received by the management corporation under section 47;
- (d) any amount paid to the management corporation by way of discharge of insurance claims;
- (e) interest received on any investment belonging to the management fund; and
- (f) any income received by the management corporation from the rental of the common property.

*[26/2014; 35/2017]*

(3) A management corporation must not disburse any moneys from its management fund other 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;
- (c) transferring moneys therein not required to meet the liabilities of the management fund to the sinking fund.

*[35/2017]*

(3A) The estimated expenses for matters under subsection (3)(d) and (e) must be included in an annual budget placed before an annual general meeting to be approved by an ordinary resolution.

*[35/2017]*

(3B) The management corporation may convene an extraordinary general meeting to approve, by ordinary resolution, a supplementary

budget for unforeseen or urgent expenditure for matters under subsection (3)(d) or (e).

[35/2017]

(4) A management corporation must also establish and maintain a fund as its sinking fund.

(5) In addition to any moneys transferred under subsection (3)(c), a management corporation must 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;

(ba) the proceeds of the sale or other disposal of any immovable property that is part of the common property;

(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.

[35/2017]

(6) A management corporation must not disburse any moneys from its sinking fund other than for the purpose of —

(a) meeting its liabilities mentioned in section 39(2); or

(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 must 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.

(9A) No moneys in the management fund or sinking fund may be used for any purpose of a collective sale of the property under Part 5A of the Land Titles (Strata) Act 1967 other than for the purpose of convening any general meeting under the Second Schedule to that Act.

(9B) The moneys remaining in the management fund and sinking fund as at the date of the legal completion of a collective sale of the property in accordance with Part 5A of the Land Titles (Strata) Act 1967 must be returned as soon as practicable to the subsidiary proprietors of the lots in shares proportional to the contributions levied by the management corporation on the subsidiary proprietors in accordance with this Act.

(10) A management corporation must —

- (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 mentioned in paragraph (a), a proper statement of accounts of the management corporation in respect of each period starting 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 must, by ordinary resolution, 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;
- (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 mentioned in subsection (2); and
- (e) the payment of any connection charge payable under section 31M, and any tariff payable under section 31N, of the Environmental Public Health Act 1987.

*[35/2017; 48/2018]*

(2) The management corporation must, also by ordinary resolution, 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;
- (da) any non-lot acquisition related expenses of the management corporation; and

- (e) any other liabilities expected to be incurred at a future time where the management corporation determines by ordinary resolution that the whole or part thereof should be met from its sinking fund.

*[26/2014; 35/2017]*

(3) If the management corporation becomes liable to pay any moneys that it is unable to pay immediately, the management corporation must determine, by ordinary resolution, that amount to be raised by contributions.

*[35/2017]*

(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 are to 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 mentioned in section 39(3), by serving on the subsidiary proprietors written notice 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 are 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 is only liable to pay the contribution levied under this section or section 41 and which was unpaid at the time the person ceased to be a subsidiary proprietor, plus the interest accruing on the unpaid contribution until the time 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 personally or by any other person) of a lot, the mortgagee shall be jointly and severally liable with the subsidiary proprietor of the lot of which the mortgagee is in possession —

- (a) for any contribution to a management fund or sinking fund by regular periodic instalments;
- (b) for any other contributions if written notice of the levy of the contribution has been served on the mortgagee; and
- (c) for interest on any of those contributions.

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

- (a) becomes 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 on or before the 30th day after it becomes due and payable, bears interest at the rate determined by the management corporation and the interest accrues 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 bears no interest; and
- (c) may, together with the interest due, be recovered as a debt by the management corporation in any court of competent jurisdiction.

*[35/2017]*

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

(8) *[Deleted by Act 33 of 2018]*

(9) Where any contribution or interest thereon levied under subsection (6) is not paid on or before the 30th day after 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.

[35/2017]

(10) A subsidiary proprietor who fails to pay any contribution or interest due and owing to a management corporation before the 14th day after the date of service of any written demand mentioned in subsection (9) 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 of a day during which the contribution or interest or both remain unpaid after conviction.

[35/2017; 33/2018]

(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 the subsidiary proprietor at the date of the subsidiary proprietor's conviction, and such amount must 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 mentioned in the Property Tax Act 1960 as the owner of the lot for the purposes of that Act.

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

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

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

(3) Despite 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 firstmentioned 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 or she is satisfied that the additional contribution is not inadequate, excessive and unreasonable.

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

(6) Despite 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 formulae different from that in section 40(2).

(7) A copy of every comprehensive resolution mentioned in subsection (6) must be filed by the management corporation

concerned with the Commissioner not later than the 7th day after its passing.

[35/2017]

(8) Despite 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;
- (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 must, starting from the date 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.

[35/2017]

(2) The sum mentioned in subsection (1) is 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 the 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), constitutes 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 has, subject to subsection (3), the power of sale and all other powers relating or incidental thereto as if the management corporation is a registered mortgagee; and
- (b) the amount or contribution due (including interest thereon) is 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 the mortgagee's or chargee's 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 overreached by the exercise of the power of sale by the mortgagee or chargee of a prior registered mortgage or charge.

(3) The management corporation must 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) the transfer must not be accepted for registration unless there has been lodged with the Registrar of Titles —
  - (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 mentioned in subsection (3)(b); and
  - (iii) a statutory declaration made by the members of the council of the management corporation mentioned 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 is to 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 is —

(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, entitled to an instrument of discharge executed and acknowledged by the management corporation as to the receipt of the 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 is discharged from the charge, the lot is 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 1967.

(6A) Without affecting subsection (6), where the existing subsidiary strata certificate of title for the lot is not presented with the transfer, the Registrar of Titles may cancel the existing folio and create a new folio in favour of the transferee.

*[8/2014]*

(7) Despite section 80 of the Land Titles Act 1993 and section 15 of the Registration of Deeds Act 1988 —

(a) where further contributions and interest thereon are due to the management corporation after the registration of an instrument of charge under this section; or

(b) 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,

the amount or contribution due (including interest thereon) and the 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) continues 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 does 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 the subsidiary proprietor's 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 is, by virtue of this section, guaranteed by the persons who, for the time being and from time to time, comprise the management corporation.

(2) The subsidiary proprietor of a lot is liable only to pay the amount which the subsidiary proprietor 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 must be audited.

(2) The audit of the books and accounts of a management corporation must be carried out only by a person who is a public accountant within the meaning of the Companies Act 1967.

(3) The auditor must be appointed by —

- (a) the management corporation at its annual general meeting;  
or
- (b) the council of the management corporation not later than the 90th day after the annual general meeting is concluded if no auditor is appointed during that annual general meeting,

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

*[35/2017]*

### **Strata roll**

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

(2) The strata roll may be kept in the form determined by the management corporation.

*[35/2017]*

(3) The management corporation must 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 of the subsidiary proprietor as shown on the folio of the subsidiary strata land-register comprising the lot, and an address within Singapore for the service of notices on the subsidiary proprietor of that lot;

- (ba) the name of every transferee under the transfer of the lot, and the address within Singapore for service of notices on the transferee, 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 the mortgagee as shown in that notice and any other mortgages which are specified in that notice as having priority over the mortgagee's 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 submortgage 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 submortgagee 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);
- (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).

[35/2017]

(3A) In this section, a reference to an address within Singapore for the service of notices includes a reference to an email address (if provided).

[35/2017]

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

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

**47.—(1)** A management corporation must, upon application made to it in writing in respect of a lot which is 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 the applicant's agent —
  - (i) the strata roll;
  - (ii) the notices and orders mentioned in section 29(1)(g);
  - (iii) the plans, specifications, certificates, drawings 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);
  - (vii) any notice under section 3, 8 or 16 of the Land Acquisition Act 1966, or any copy of an award under section 10 of that Act, received by the management corporation for any non-lot acquisition relating to the strata title plan for which the management corporation is constituted; and
  - (viii) any other record or document in the custody or under the control of the management corporation,

at such time and place as may be agreed upon by the applicant or the applicant's 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 mentioned in that subsection;
  - (vi) whether the management corporation has received a copy of any application made to, or any order of, any Board or the General Division of the High Court under section 84A or 84FA of the Land Titles (Strata) Act 1967; and
  - (vii) whether the management corporation has received any notice under section 3, 8 or 16 of the Land Acquisition Act 1966, or any copy of an award under section 10 of that Act, for any non-lot acquisition

relating to the strata title plan for which the management corporation is constituted.

*[13/2010; 26/2014; 40/2019]*

(1A) A management corporation for a strata title plan must, upon application made to it in writing by a collective sale committee constituted in accordance with the Land Titles (Strata) Act 1967 for the purposes of a collective sale under section 84A or 84FA of that Act and on payment by the collective sale committee of the prescribed fee, furnish a copy of extracts from the strata roll containing the information mentioned in section 46(3) in respect of every lot comprised in that strata title plan.

*[13/2010]*

(2) Where an applicant and a management corporation fail to reach an agreement mentioned in subsection (1)(b) on or before the 7th day after the receipt of the application by the management corporation, the management corporation must 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 the 21st day after the receipt of the application by the management corporation, for the making of the inspection mentioned in that subsection.

*[35/2017]*

(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 is 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 upon payment of a fee (if prescribed) 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.

*[35/2017]*

**Display of award of compensation for acquisition, etc.**

**47A.**—(1) If the management corporation is required by its by-laws to maintain a notice board, its council must —

- (a) on or before the 7th day after the management corporation receives any notice under section 3, 8, 16 or any other provision under the Land Acquisition Act 1966, or any award under section 10 of that Act, for any non-lot acquisition relating to the strata title plan for which the management corporation is constituted, cause a copy of every such notice or award to be displayed on the notice board; and
- (b) for not less than 14 days keep displayed on that notice board the copy of that notice or award.

*[26/2014; 35/2017]*

(2) If there is no notice board, the council concerned must give, within the period delimited by subsection (1)(a), each subsidiary proprietor who then constitutes the management corporation a copy of the notice or award mentioned in that subsection.

*[26/2014]*

**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,

must, not later than the 7th day after service on the person of notice of a resolution of the council requiring the person 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.

*[35/2017]*

(1A) Any person who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

*[35/2017]*

(2) Every management corporation must retain all its records, books of account and any 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.

(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) Despite any other provision of this Act, a management corporation constituted in respect of any strata title plan must not, during its initial period —

- (a) amend, add to or revoke the by-laws in a manner that confers a right or imposes an obligation 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 expiry 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 expiry 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, is deemed to contain a provision therein that the contract may be terminated immediately by written notice 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 the management corporation or subsidiary proprietor,

unless —

- (c) the contravention occurred without the knowledge of the owner developer;
- (d) the owner developer was not in a position to influence the conduct of the management corporation in relation to the contravention; and
- (e) 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 mentioned 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) must 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 the subsidiary proprietor 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 mentioned in subsection (2) (whether or not that person has been served with a notice of the application under subsection (1)) is entitled to be heard on the application.

(4) The Commissioner must not make an order under this section unless he or she 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 must 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 is final.

*Division 3 — Councils*

**Council of management corporation**

**53.**—(1) Subject to this section and section 53A, after the first annual general meeting, every management corporation must have a council which consists 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 must 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 must be natural persons elected or appointed in accordance with this Act.

*[35/2017]*

(2) Despite subsection (1), where a management corporation has not more than 3 subsidiary proprietors, the council of the management corporation must 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 is deemed to be a decision of the council of the management corporation.

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

(5) The members of the council of a management corporation must retire from office at the conclusion of the next annual general meeting

of the management corporation, but a retiring member of the council is (subject to the provisions of this Act) eligible for re-election.

(6) A person is ineligible for election as a member of the council of a management corporation unless he or she 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) Despite subsection (6), an individual mentioned in that subsection is ineligible for election as a member of the council of a management corporation if, on the 3rd day before the date of election —

- (a) where the individual 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 the individual 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 the individual 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) Despite subsection (6) and without affecting subsection (7), the following persons are also ineligible 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;
- (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 that subsidiary proprietor's nominees —
  - (i) nominated at the same election; or
  - (ii) elected or appointed to the council at the same or other election,

or that subsidiary proprietor's nominees, exceed the threshold number for that subsidiary proprietor determined in accordance with subsection (12).

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

(9A) Despite subsection (6) and without affecting subsections (7), (8) and (9), a person is ineligible for election or re-election to office under subsection (1) —

- (a) as a chairperson if the person is already elected as the treasurer or secretary;
- (b) as a treasurer if the person is already elected as the chairperson or secretary; and
- (c) as a secretary if the person is already elected as the chairperson or treasurer.

[35/2017]

(9B) Despite subsection (6) and without affecting subsections (7), (8), (9) and (9A), a person is ineligible for election or re-election to office as a treasurer under subsection (1) if the re-election would result in the person holding office as a treasurer for 3 consecutive terms.

[35/2017]

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

(11) The Second Schedule has 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 is —

- (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.

### **Councils for mixed-use developments**

**53A.**—(1) This section applies only in relation to a management corporation with more than 3 subsidiary proprietors constituted for a parcel in a strata title plan, whether or not comprising limited common property but consisting of buildings authorised under the Planning Act 1998 for 2 or more of the following classes of use:

- (a) residence;
- (b) office;
- (c) commercial (other than as an office), such as a shop, food establishment or theatre;
- (d) boarding premises, such as a hotel, serviced apartment or nursing home;
- (e) a prescribed purpose.

[35/2017]

(2) Subject to this section, in the case of a management corporation of a mixed-use development mentioned in subsection (1), there must be reserved for each class of use mentioned in that subsection and authorised for that development under the Planning Act 1998, at least one office as member of the council of that management corporation (called in this Act a reserved council office).

*[35/2017]*

(3) Despite section 53(6) and without affecting section 53(7), (8), (9), (9A) and (9B), a person is ineligible for election or re-election under section 53 to a reserved council office for a particular class of use if the person —

(a) is not a subsidiary proprietor of a lot in that development authorised for that class of use; and

(b) is not a nominee of a subsidiary proprietor in paragraph (a).

*[35/2017]*

(4) Where at the close of nominations at a general meeting for a reserved council office, only one person eligible for election to that office is nominated for that office, that person is deemed elected to that reserved council office without voting.

*[35/2017]*

(5) However, where at the close of nominations at a general meeting for a reserved council office, no person eligible for election to that office is nominated, then that office ceases to be a reserved council office; and an election to that office is not subject to this section.

*[35/2017]*

(6) Where at the close of nominations at a general meeting for a reserved council office, more than one person eligible for election to that reserved council office is nominated (called in this section a candidate), the matter must be put to a vote, and the candidate to whom the greatest number of votes is given at the election must be declared elected to that reserved council office.

*[35/2017]*

(7) The remaining offices in the council that are not reserved must be filled —

- (a) firstly from among the candidates not declared elected to any reserved council seat after a vote is taken at the election (called in this section an unsuccessful candidate); and
- (b) on the basis of the number of votes they received at the same election in the following order of priority — by the unsuccessful candidate receiving the highest votes being placed first and other unsuccessful candidates being placed in descending order according to votes received by them.

*[35/2017]*

(8) When, after the counting of votes cast for the candidates is completed, an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of the candidates to be declared elected to an office of a council, the determination of the candidate to whom the one additional vote is to be treated as being given must, unless one of the candidates withdraws from the election, be made by drawing lots in the manner that the person presiding at the general meeting determines.

*[35/2017]*

### **Nomination of candidates for election as member**

**53B.**—(1) A nomination of a person for election to be a member of the council of a management corporation or the executive committee of a subsidiary management corporation is of no effect if subsections (2), (3) and (4) are not complied with for that nomination.

*[35/2017]*

(2) Only a subsidiary proprietor, or a person entitled to vote at a general meeting of a management corporation or subsidiary management corporation, may nominate a person for election as a member of the council of the management corporation or the executive committee of the subsidiary management corporation, as the case may be.

*[35/2017]*

(3) A nomination for election to be a member of the council of a management corporation or the executive committee of a subsidiary management corporation —

- (a) may be oral or in writing;

(b) must —

- (i) if oral, be made at the general meeting of the management corporation or subsidiary management corporation for the purposes of the election; or
- (ii) if in writing, be given at least 48 hours before the start of the meeting at which the election is to be held to the secretary of the management corporation or subsidiary management corporation, or to the convenor of the meeting in the case of the first annual general meeting; and

(c) must state —

- (i) the name of the person nominated (called in this Act the candidate); and
- (ii) the name of the person making the nomination (who may or may not be the candidate).

[35/2017]

(4) A nomination, whether oral or made in writing, made for the purposes of an election at a general meeting of a management corporation or subsidiary management corporation, is effective only if it is accompanied by the consent of the candidate —

(a) given in writing at least 48 hours before the start of the meeting at which the election is to be held to the secretary of the management corporation or subsidiary management corporation, or to the convenor of the meeting in the case of the first annual general meeting; or

(b) given orally at the meeting.

[35/2017]

(5) Any consent by a candidate for election to be a member of the council of a management corporation or the executive committee of a subsidiary management corporation may be effectively withdrawn only by the candidate in person at the general meeting and before the election at the general meeting starts.

[35/2017]

**Vacation of office of member of council**

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

- (a) if the person was a subsidiary proprietor at the time of his or her appointment or election and he or she ceases to be a subsidiary proprietor;
- (b) if the person was the nominee of a subsidiary proprietor and the subsidiary proprietor who nominated him or her —
  - (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 must not be unreasonably withheld;
- (d) upon the receipt by the management corporation from the person of written notice of the person's resignation;
- (e) at the end of the next annual general meeting of the management corporation or upon the election at a general meeting of another person to that office, if earlier;
- (f) where the person 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 the person from his or her office;
- (h) if the person dies;
- (i) if the person becomes mentally disordered and incapable of managing himself or herself or his or her affairs; or

- (j) if the person is convicted, on or after 1 April 2005, by a court in Singapore or elsewhere of an offence involving fraud or dishonesty.

*[21/2008; 35/2017]*

(2) A management corporation may remove a member of its council from office —

(a) without a general meeting —

(i) where the member is a subsidiary proprietor at the time of his or her appointment or election — if all or any part of the member's contributions or any other moneys levied or recoverable by the management corporation under this Act in respect of his or her lot are in arrears for more than 3 months; or

(ii) where the member 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;

(iii) incapacity or failure to carry out satisfactorily the duties of the member's 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 holds that office for the balance of his or her predecessor's term of office.

(3A) However, an appointment under subsection (3) of a person to fill a vacancy is of no effect if the person does not consent orally in person or in writing to that appointment.

[35/2017]

(4) The members for the time being of the council, despite 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 are 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 must, at the first meeting of the council after they assume office, appoint the chairperson, secretary and treasurer of the council.

(3) A person —

- (a) must not be appointed to the office of chairperson, secretary or treasurer of the council unless the person 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 holds office until —

- (a) the person ceases to be a member of the council;
- (b) the management corporation receives from the person written notice of his or her 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) Despite anything in this Act, a person appointed to the office of chairperson, secretary or treasurer of the council of a management corporation must not resign his or her office until —

- (a) a meeting of the council is first convened for the purpose of appointing another person to fill the vacancy; or
- (b) a general meeting is first convened for the purpose of electing another person to fill the vacancy,

and any purported resignation or vacation of office in breach of this subsection is 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 the period that the 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) Despite any other provisions of this Act, an individual must not be appointed under this section to hold office —

- (a) as a chairperson if the person is already the treasurer or secretary;
- (b) as a treasurer if —
  - (i) the person is already the chairperson or secretary; or

- (ii) the re-appointment would result in the person holding office as a treasurer for 3 consecutive terms; or
- (c) as a secretary if the person is already the chairperson or treasurer.

*[35/2017; 2/2020]*

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

**56.** The duties of the secretary of the council of a management corporation 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;
- (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 include the following:

- (a) to notify subsidiary proprietors of any contribution 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);
- (d) to keep the accounting records and prepare the financial statements of the management corporation.

(2) A person must 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 the person 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 or her powers (other than this power of delegation), duties or functions as treasurer, the delegation of which is specifically approved by the council of the management corporation, to another member of the council so approved, subject to such limitations as to time or otherwise as are so approved.

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

(5) The council of a management corporation may, by written notice served on the treasurer of the management corporation, order that he or she must not exercise or perform any of his or her powers, duties or functions that are specified in the notice, unless he or she 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, is the decision of the management corporation.

(2) Even though 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 must not make a decision on any matter if, before the decision is made, written notice 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, has 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, by ordinary resolution, what matters or class of matters (if any) must be determined only by the management corporation in a general meeting.

[35/2017]

**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, the member must at that meeting —

- (a) declare the nature of his or her 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 chairperson 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) do 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 the member 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 is deemed to be a sufficient declaration of interest in relation to any contract so made if it specifies the nature and extent of that member's interest in that company or firm and that member's interest is not different in nature or greater in extent than the nature and extent so specified in the general notice at the time any contract is so made.

(4) No such notice is 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 the member's duties or interests as a member of the council must declare at a meeting of the council the fact and the nature, character and extent of the conflict.

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

(a) after he or she becomes a member of the council; or

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

as the case requires.

(7) The secretary of the council must 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 is to be treated as an interest of the member.

(9) Except as provided in subsection (3), this section is 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 the member's 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 must at all times act honestly and use reasonable diligence in the discharge of the duties of the member's office.

(2) A member of a council, or an officer or an agent or a managing agent of a management corporation, must not use his, her or its 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, herself or itself 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 the person 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 is in addition to and not in derogation of any other written law or rule of law relating to the duty or liability of members of a council.

(5) In this section —

“agent” includes a banker, 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 determines —

(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 that lot.

(2) Except as provided in this Act or the Land Titles (Strata) Act 1967, the share value of any lot must 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 personally or by any other person), lessee or occupier of a lot must 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 is 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 the individual is authorised by a subsidiary proprietor or mortgagee of a lot under subsection (1) to exercise or perform, the power, duty or function is 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) affects 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 an authorisation under subsection (1) is admissible in evidence and is, until the contrary is proved, 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 the subsidiary proprietor or person must give written notice to the management corporation of any change of address for service of notices on the subsidiary proprietor or person.

(2) Upon the transfer of an estate or interest in a lot pursuant to completion of a sale of that lot by its registered subsidiary proprietor to the purchaser or the purchaser's nominee, or by way of gift to a donee, the registered subsidiary proprietor must, not later than the 10th day after the date that the instrument of transfer is registered

under the Land Titles Act 1993, give to the management corporation written notice of the transfer which must 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 the registration of the transfer; and
- (b) bear a certification by the transferee or the transferee's solicitor of the accuracy of the information contained in the notice.

*[35/2017]*

(3) Where the subsidiary proprietor of a lot fails to comply with a notice given by the management corporation under subsection (8) requiring the subsidiary proprietor to give a notice under subsection (2), the transferee under the transfer may give to the management corporation written notice of the transfer which must 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 registered under the Land Titles Act 1993.

*[35/2017]*

(4) After the registration of an executed mortgage of a lot, the mortgagee may give to the management corporation written notice of the mortgage which must 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 registered;
- (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.

*[35/2017]*

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

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

[35/2017]

(6) After the registration of a dealing, being a transfer or submortgage of a lot, the transferee or submortgagee may give to the management corporation written notice of the dealing which must identify the lot and —

- (a) specify the name of the transferee or submortgagee in full and an address within Singapore for service of notices on the transferee or submortgagee and the date on which the transfer or submortgage was so registered; and
- (b) bear written confirmation by the transferor or submortgagor of the accuracy of the information contained in the notice.

[35/2017]

(7) After the entry into possession of a lot by a mortgagee, the mortgagee must give to the management corporation written notice which must identify the lot and specify the date on which the mortgagee 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 that person is obliged to give the notice and requiring that person —

- (a) to state, not later than the 14th day after the notice was served on that person, whether or not that person is a person obliged to give a notice in that capacity; and
- (b) if the person is such a person, to give that notice.

[35/2017]

(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 firstmentioned notice, that person is not entitled to cast a vote at any general meeting of the management corporation until that person has complied with the firstmentioned 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 has no effect unless the management corporation has received written notice specifying the representative of that subsidiary proprietor.

(11) A notice mentioned 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.

(12) In this section, a reference to an address within Singapore for the service of notices includes a reference to a fax number in Singapore and an email address (if provided).

[35/2017]

### *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 holds office until —

- (a) the conclusion of the third annual general meeting of the management corporation after the managing agent's appointment;
- (b) the expiry of the term of the managing agent's appointment; or

- (c) the termination of the managing agent's appointment in accordance with this section,

whichever first occurs.

- (3) The fees and expenses of a managing agent are 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; or
- (b) where the managing agent is appointed under subsection (1)(b) — 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 must declare in writing the nature of the managing agent's relationship prior to the managing agent's appointment.

(5) A managing agent who retires from office is 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 must 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 resolution, special resolution, 90% resolution, resolution by consensus or at a general meeting of the management corporation; or

(c) a decision on 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 has 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) Despite 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) —

- (a) has the same force and effect as if it had been done or suffered by the management corporation; and
- (b) is 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) —

- (a) has 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) is 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 is, while the delegation remains in force, to 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, a managing agent must not, whether personally or in the person of the managing agent's 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, the person's 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 the person's 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 is 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 the executive committee of a subsidiary management corporation (as the case may be), and includes prejudicing the electoral prospects of another candidate at that election;

“material benefit” includes, but is not 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 management corporation not to proceed with, to withdraw, to delay, to compromise or to settle litigation or other legal proceedings relating to the proxy;
- (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 —

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

### **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 must 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 is, upon the occurrence of any such event, 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 must 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 Work Injury Compensation Act 2019 or the Work Injury Compensation Act (Cap. 354, 2009 Revised Edition) repealed by that Act;
- (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;

- (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 decides to insure; and
- (d) in respect of any liability incurred by a person holding the office of chairperson, secretary, treasurer of the management corporation or member of the council of the management corporation because of an act or omission, committed or omitted in good faith, in performing the functions of that office.

*[35/2017; 27/2019]*

(2) Insurance effected under subsection (1)(b) must 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.

(3A) Every decision required or authorised by this section to be made by a management corporation is by an ordinary resolution.

*[35/2017]*

(4) For the purposes of a policy of insurance effected under subsection (1)(b), the common property is 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 does 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 limits or affects any right of a subsidiary proprietor to effect insurance.

(2) Insurance effected by a subsidiary proprietor does not affect, and must 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, despite 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 the subsidiary proprietor's lot in a sum equal to the amount secured at the date of the contract by mortgages of and charges affecting the subsidiary proprietor's lot and where such a contract is in force —

- (a) subject to the terms and conditions of the contract —
  - (i) any payment to be made under that contract by the insurer in respect of damage must 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 is 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 is 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 is entitled to a submortgage 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 submortgage.

(3) A contract of insurance entered into as referred to in subsection (1) is not 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 firstmentioned contract of insurance.

## **Rebuilding**

**74.** Subject to any order made under section 77 or 78 of the Land Titles (Strata) Act 1967 (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 must 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 is 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 applies 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 1 April 2005.

(2) Despite 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 in the *Gazette*, extend the application of this Division to.

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

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

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

**77.**—(1) 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 mentioned 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 may 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) To avoid 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 resolution (as the case may be) 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 takes effect only when the management corporation is constituted for that strata title plan under the Land Titles (Strata) Act 1967; or
  - (b) by a comprehensive resolution under subsection (2)(b) takes effect only when the comprehensive resolution is filed with the Chief Surveyor and the instrument required by the Registrar under section 10A of the Land Titles

(Strata) Act 1967 for the limited common property is registered under that Act.

[35/2017]

(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 limited common property and the 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 firstmentioned 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 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; 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.

(8) Subsection (7) does not authorise any subsidiary management corporation to amalgamate its limited common property in a manner that is contrary to section 77.

(9) To avoid doubt, the Chief Surveyor is not to be taken to warrant or certify the correctness of the boundaries of any limited common property or the validity of the creation of any limited common property by his or her 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 1967 for any limited common property comprised in a strata title plan must —

- (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 retains its powers and duties in matters concerning common property.

(3) The subsidiary management corporation has 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 or duties 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 apply, with the necessary modifications, to subsidiary management corporations as they apply to management corporations.

(4) Without limiting subsection (3), the subsidiary management corporation must —

- (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 must 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 has the same insurable interest in its limited common property as the management corporation has in property contained within common property.

(8) Despite any other provision 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 also has effect with respect to the general meetings of a subsidiary management corporation.

(3) Subject to subsection (4), each subsidiary management corporation must elect an executive committee for the subsidiary management corporation, and the executive committee of a subsidiary management corporation has 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 must be a member of the council of the management corporation.

(4A) However, subsection (4) does not apply where —

- (a) the subsidiary management corporation is constituted for part of a parcel which is comprised in a mixed-use development within the meaning of section 53A; and
- (b) by the operation of section 53A, a reserved council office in the council of the management corporation for that mixed-use development is held by either —
  - (i) a subsidiary proprietor of a lot constituting the subsidiary management corporation; or
  - (ii) a nominee of a subsidiary proprietor in sub-paragraph (i).

[35/2017]

(5) The provisions in Division 3 of this Part (except section 53A) 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.

[35/2017]

(6) The Second Schedule also has 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 must 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 is computed by the formula  $\frac{A}{B} \times C$ , where —

- (a) A is the share value of a lot;
- (b) B is the aggregate share value of all lots entitled under this Division to the exclusive use of the limited common property; and
- (c) 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 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 provision of this Act, any by-laws made by a subsidiary management corporation under this section for the time being in force bind the subsidiary management corporation and the subsidiary proprietors of lots constituting that subsidiary management corporation, and any mortgagee in possession (whether personally or by 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 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 a management corporation relates solely to the lots whose subsidiary proprietors constitute a subsidiary management corporation, the judgment is against only the subsidiary proprietors of those lots.

(2) A lot's share of a judgment mentioned in subsection (1) must be computed 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 is 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 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 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 applies in derogation of Part 5 of the Land Titles (Strata) Act 1967.

*Division 9 — Miscellaneous*

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

**85.**—(1) Subject to subsections (1A) and (1B), if —

- (a) all or some of the subsidiary proprietors of the lots in a parcel comprised in a strata title plan —
  - (i) are jointly entitled to take proceedings against any person for or with respect to the common property in that parcel; or
  - (ii) are liable to have proceedings taken against them jointly for or with respect to the common property in that parcel; or
- (b) all or some of the subsidiary proprietors of the lots in a parcel comprised in a strata title plan that has limited common property, being subsidiary proprietors who are entitled to the exclusive benefit of the limited common property —
  - (i) are jointly entitled to take proceedings against any person for or with respect to the limited common property in that parcel; or
  - (ii) are liable to have proceedings taken against them jointly for or with respect to the limited common property in that parcel,

the proceedings may be taken by or against the management corporation in the case of proceedings mentioned in paragraph (a), or by or against the subsidiary management corporation in the case of proceedings mentioned in paragraph (b).

[35/2017]

(1A) Unless authorised by an ordinary resolution, a management corporation —

- (a) must not institute any proceedings mentioned in subsection (1)(a) against any person; and

- (b) must not represent any subsidiary proprietor in any proceedings mentioned in subsection (1)(a).

*[35/2017]*

(1B) Unless authorised by an ordinary resolution, a subsidiary management corporation —

- (a) must not institute any proceedings mentioned in subsection (1)(b) against any person; and
- (b) must not represent any subsidiary proprietor in any proceedings mentioned in subsection (1)(b).

*[35/2017]*

(2) Any judgment or order given or made in favour of or against the management corporation or subsidiary management corporation in any such proceedings has 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 mentioned in subsection (2), the amount of that contribution must bear to the judgment debt —

- (a) the same proportion as the share value of the lot of the firstmentioned 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 computed in accordance with section 81, in the case of a judgment or an order for or against a subsidiary management corporation.

### **Limited right to representation by management corporation in non-lot acquisition**

**85A.**—(1) Despite anything in section 85, the management corporation for a strata title plan —

- (a) may start any proceedings before the Appeals Board under the Land Acquisition Act 1966 for any non-lot acquisition relating to the strata title plan and represent every subsidiary proprietor of every lot comprised in the strata title plan in those proceedings; and

(b) may lodge any appeal from the decision of the Appeals Board under the Land Acquisition Act 1966 for any non-lot acquisition relating to the strata title plan and represent every subsidiary proprietor of every lot comprised in the strata title plan in that appeal,

if, and only if, the proceedings and appeal, respectively, are each authorised by an ordinary resolution of the subsidiary proprietors constituting the management corporation.

*[26/2014; 40/2019]*

(2) Unless authorised by ordinary resolution, a management corporation for a strata title plan must not make a claim for compensation under the Land Acquisition Act 1966 for any non-lot acquisition relating to its strata title plan.

*[26/2014]*

(3) Unless otherwise agreed by special resolution under subsection (4), the amount of compensation awarded under the Land Acquisition Act 1966 for any non-lot acquisition relating to a strata title plan must be paid into the management fund of the management corporation for that strata title plan.

*[26/2014]*

(4) The subsidiary proprietors constituting the management corporation for a strata title plan may, by special resolution, agree that the compensation for any non-lot acquisition relating to the strata title plan be distributed among themselves; in which event that compensation must be distributed among the subsidiary proprietors in shares proportionate to their respective share values of their lots as on the date possession is taken under section 16 of the Land Acquisition Act 1966 of the land acquired under the non-lot acquisition.

*[26/2014]*

(5) Unless authorised by a resolution by consensus, a management corporation for a strata title plan must not express any desire under section 49(1) of the Land Acquisition Act 1966 for the whole of the land comprised in its strata title plan to be acquired under that Act.

*[26/2014]*

**Management corporation's power to take proceedings as agent for subsidiary proprietor in case of certain 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 the subsidiary proprietor 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 mentioned in paragraph (b).

*[35/2017]*

**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 must be paid, in respect of the lots 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

must, for the purpose of paying the moneys ordered to be paid by it, levy contributions in accordance with the terms of the order and must pay the moneys out of the contributions paid pursuant to that levy.

(3) Section 40 (with the exception of subsection (2)) applies 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 is entitled to apply to the court —

- (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 the 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 6

DISPUTES AND STRATA TITLES BOARDS

*Division 1 — Strata Titles Boards*

**Strata Titles Boards**

**89.**—(1) There are to 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 1967, a Board must 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 1967, a Board must, 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 1967 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 must be constituted —

- (a) upon the expiry 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 must appoint a president of the Boards.

(2) The Minister may appoint any number of deputy presidents of the Boards that he or she considers necessary.

(3) No person may 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 1966.

(4) For the purpose of enabling the Boards to be constituted under this Part, the Minister must appoint a panel consisting of such number of persons as he or she may consider necessary and must publish their names in the *Gazette*.

(5) The president, a deputy president and any person appointed as a member of the panel constituted under subsection (4) is, subject to subsection (6), appointed for a term not exceeding 3 years, and is 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, in the performance of his or her functions and duties under this Act or the Land Titles (Strata) Act 1967, have the same protection and immunity as a District Judge.

### **Proceedings of Board**

**92.**—(1) Subject to the provisions of the Land Titles (Strata) Act 1967, a Board must, without delay after being constituted in respect of any dispute or matter with respect to which it has jurisdiction under this Act —

- (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.

*[13/2010]*

(2) Subject to the provisions of this Act or the Land Titles (Strata) Act 1967, a Board may determine the procedure for mediation-arbitration, but must allow the parties to present evidence and make submissions to it.

(3) Without affecting subsection (2), a Board must —

(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 give each party an opportunity to present its case.

(4) For the purposes of arbitration under subsection (1)(b), a Board has 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) To avoid 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 2001 does not apply to mediation-arbitration proceedings before a Board.

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

(8) The arbitration proceedings of a Board are deemed to be judicial proceedings and the members of the Board are deemed to be public servants within the meaning of the Penal Code 1871.

(9) A Board must carry out its work expeditiously and must make a final order or determination within 6 months from the date it is constituted or within such extension of time as the Minister may grant.

### **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 the 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 must be reconstituted in accordance with section 89.

(2) The Board as reconstituted must 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) Despite 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 or she is then presiding or is a member is, for the purpose of such proceedings and until their

determination, 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 1967 may appear before a Board or may be represented by an advocate and solicitor of the Supreme Court, or any other person that 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 any other person that the Board may allow.

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

**95.** Despite any other provision of this Part, a Board does 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 does 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 the person's custody or control which the person 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 is not bound to produce any book, document or writing not specified or otherwise sufficiently described in the summons or

which the person would not be bound to produce upon an order to produce documents in a court.

*[Act 25 of 2021 wef 01/04/2022]*

### **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 the person 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) must not refuse to be sworn or to make an affirmation;
  - (b) must not refuse to answer any question relevant to any proceedings before the Board put to him or her by the Board or by any person entitled to appear before the Board in those proceedings; and
  - (c) must not knowingly give false testimony in any evidence given by the person to the Board.
- (3) A witness before a Board has —
- (a) the same protection; and
  - (b) in addition to the penalties provided by this Act, the same liabilities,

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

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

**98.**—(1) No appeal shall lie to the General Division of the High Court against an order made by a Board under this Part or the Land Titles (Strata) Act 1967 except on a point of law.

*[40/2019]*

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

*[40/2019]*

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

[40/2019]

[Act 25 of 2021 wef 01/04/2022]

### **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, in the performance of his or her functions and duties under subsection (2), has 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 any other expenses of the Boards that the Minister may determine, must 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 any allowances that the Minister may determine.

*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 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 is 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 mentioned in that subsection, and the management corporation or subsidiary management corporation does not, before the expiry 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) is deemed to have decided not to exercise or perform that power, duty or function.

(6) Subsection (1) does not 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, special resolution, 90% resolution, comprehensive resolution or resolution by consensus.

(7) An order in respect of any matter dealt with in any other section in this Part must 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 is

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.

### **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 has 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 affecting 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) must be convened and held within the time specified in the order.

(4) A meeting held under subsection (1)(b) is 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 must preside at the meeting and, while the person so presides, is taken to be the chairperson of the management corporation or the subsidiary management corporation (as the case may be); 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, or a council or executive committee, 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.

[35/2017]

(2) A Board must 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, subject to its having been or being amended, added to or repealed under section 32, 33 or 82 (as the case may be) has 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 limited common property (as the case may be), 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 a management corporation or subsidiary management corporation (including both a first mortgagee and a mortgagor of a lot), a Board considers that the 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.

### **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 personally or by 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 15 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 15 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:

- (c) an order for the payment of contributions of a different amount with effect from the date the Board determines;
- (d) 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 is deemed to have imposed a levy of the amount determined by the Board with effect from the date the Board determines.

(3) Despite 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) To avoid doubt, nothing in this section authorises 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 5, 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,

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 has 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 the applicant's agent any record or document that, under this Act, the applicant 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 mentioned in section 30 or determining whether any such work needs to be carried out.

(2) This section does 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 (called in this section 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 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) is 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 1967 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 affecting 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 (called in this Part an interim order); and
- (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 must 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 or representation has not been exercised.

- (5) An interim order continues in force —
- (a) until the expiry of any period, not exceeding 3 months, that 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 expiry of a period of 6 months, starting with the making of the order.

(6) Subsection (5) does 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 must 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) must be certified by the president to be a true copy of the order.

(4) Except where otherwise provided by this Act or the Land Titles (Strata) Act 1967 or to the extent it is otherwise specified in an order, an order (including an interim order) made under this Part takes 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.

### **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 1967 may, by permission of a District Court, be enforced against the person in the same manner as a judgment of that court, and where permission is so given, judgment may be entered in terms of that order.

*[Act 25 of 2021 wef 01/04/2022]*

(2) A person who contravenes any order (including an interim order) made under this Part or the Land Titles (Strata) Act 1967 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.

*[35/2017]*

(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 1967 is admissible in evidence and is, until the contrary is proved, deemed to be an order made by the Board.

PART 7

121. [*Repealed by Act 35 of 2017*]

122. [*Repealed by Act 35 of 2017*]

PART 8

GENERAL

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

123. Nothing in this Act affects or takes 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 must be by originating application.

*[Act 25 of 2021 wef 01/04/2022]*

(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) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member 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 —

“body corporate” includes a limited liability partnership;

“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 and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

[35/2017]

### **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 managing agent or an employee of the managing agent or other person —

- (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 buildings, the maintenance of a development before a strata title plan is registered for the development or the management of the management corporation or subsidiary management corporation (as the case may be) as the Commissioner may reasonably require for the purposes of the carrying out of his or her 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 buildings, the maintenance of a development before a strata title plan is registered for the development or the management of the management corporation or subsidiary management corporation (as the case may be) as the Commissioner may reasonably so require,

and to do so within a reasonable time specified in the notice.

[35/2017]

(2) The Commissioner or a person authorised by the Commissioner 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 enter at any reasonable time any building, common property or limited common property and having entered the building, common property or limited common property may do all or any of the following:

- (a) inspect any book, register, document or other records relating to —

- (i) the management of a management corporation or subsidiary management corporation;
  - (ii) the maintenance of a development before a strata title plan is registered for the development; or
  - (iii) the maintenance of any building;
- (b) make copies of, or records of any information contained in, any such books, registers, documents or other records;
- (c) carry out checks to ascertain whether there is, or has been, on or in connection with the building, common property or limited common property (as the case may be), a contravention of any requirement by or under this Act;
- (d) carry out checks to ascertain whether circumstances exist that would authorise the Commissioner or any person appointed by the Commissioner for this purpose to take any action or execute any work authorised or required by or under this Act;
- (e) take any action or execute any work, authorised or required by or under this Act.

[35/2017]

(4) Where any records mentioned in subsection (1) or (3) are kept in electronic form, then —

- (a) the power of the Commissioner under subsection (1) to require the 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) applies accordingly in relation to any copy so made available); and
- (b) the power of any person (called in this subsection the inspector) under subsection (3) to inspect the records includes power to require any person in the building, on common property or limited common property in question to give the inspector the assistance the inspector reasonably requires to enable him or her —

- (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.

*[35/2017]*

(5) In addition to the powers conferred on him or her by subsections (1) and (2), the Commissioner or a person authorised by the Commissioner may require, by written order, the attendance before the Commissioner or authorised person of —

- (a) an owner developer of any development or an employee thereof, a managing agent or an employee of a managing agent, being within the limits of Singapore who, from any information given or otherwise obtained by the Commissioner, appears to be acquainted with the circumstances of the case;
- (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; or
- (c) any other person who, from any information given or otherwise obtained by the Commissioner, appears to be acquainted with the maintenance of a building or the circumstances of the case.

*[35/2017]*

(5A) Any statement made by any person required under subsection (5) to attend before the Commissioner or authorised person must —

- (a) be reduced to writing;
- (b) be read over to the person;

(c) if the person does not understand English, be interpreted for the person in a language that the person understands; and

(d) after correction (if necessary) be signed by that person.

*[35/2017]*

(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 (called in this subsection the authorised person) in the discharge of the duties by the Commissioner or authorised person under this Act;

(b) without reasonable excuse, refuses to give any information or produce any book, register, document or copy thereof required of the person by the Commissioner or authorised person under subsection (1); or

(c) without reasonable excuse, fails to comply with a lawful demand of the Commissioner or authorised person in the discharge by the Commissioner or authorised person of his or her 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) A person is not excused from giving any information required under this section on the ground that the giving of the information might tend to incriminate the person or expose the person to a punishment.

*[35/2017]*

(8) Where a person claims, before giving any information that the person is required under this section to give, that the giving of the information might tend to incriminate the person —

(a) that information;

(b) the giving of the information; and

(c) any information, document or thing obtained as a direct or indirect consequence of the giving of the information,

is not admissible in evidence against the person in any criminal proceedings other than proceedings for an offence under section 127.  
[35/2017]

(9) The powers conferred under subsection (1), (2), (3) or (5) may only be exercised by the Commissioner (or, as the case may be, by a person authorised by the Commissioner) —

- (a) for ensuring that the provisions of this Act and the regulations with respect to any of the following are being complied with:
  - (i) the maintenance of buildings;
  - (ii) the maintenance of a development before a strata title plan is registered for the development;
  - (iii) the management of management corporations or subsidiary management corporations;
  - (iv) any approval, permit or authorisation required by or under this Act with respect to any matter in sub-paragraph (i), (ii) or (iii); or
- (b) for investigating any offence under this Act or any regulations made under section 136.

[35/2017]

### **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 or her 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 \$10,000.

*[35/2017]*

### **Service of notices**

**129.**—(1) Unless otherwise expressly provided in this Act, a notice that is required or authorised by or under this Act or any by-laws to be given to or served on a person may be given to or served on that person —

- (a) by posting it or sending it by fax to the person’s address for service (within the meaning of this section) or to the person’s last known place of residence or business;
- (b) by leaving it at the person’s address for service (within the meaning of this section) or at the person’s last known place of residence or business; or
- (c) by electronic communication, by sending an electronic communication of the notice to the last email address given to the sender by the person as the email address for the service of notices under this Act on the person.

*[35/2017]*

(1A) Unless otherwise expressly provided in this Act, a notice that is required or authorised by or under this Act or any by-laws to be given or served on a subsidiary proprietor may, in addition to any method described in subsection (1), be given to or served on the subsidiary proprietor by affixing the notice on the front door of the subsidiary proprietor's lot.

[35/2017]

(1B) Despite subsection (1), where a notice which is required or authorised by or under this Act or any by-laws to be given or served on a subsidiary proprietor is given or served by a management corporation or subsidiary management corporation, by electronic communication as described in subsection (1)(c), that notice is not treated as given to or served on the subsidiary proprietor —

(a) unless the notice is also posted to the subsidiary proprietor's address for service (within the meaning of this section) or to the subsidiary proprietor's last known place of residence or business; and

(b) until subsection (5)(b) or (d) first applies.

[35/2017]

(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 mentioned 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;

(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; or

- (c) by electronic communication, by sending an electronic communication of the notice to the last email address given to the sender by the management corporation or subsidiary management corporation as the email address for the service of documents under this Act on the management corporation or subsidiary management corporation, as the case may be.

*[35/2017]*

(4) The address for service for persons other than a management corporation or subsidiary management corporation is as follows:

- (a) in the case of an occupier of a lot, the address for service is the address of the lot;
- (b) where an address or an email address for service of notices is recorded in the address so recorded in the strata roll, the address so recorded.

*[35/2017]*

(5) Where any notice or other document is —

- (a) sent by fax in accordance with subsection (1), it is deemed to have been duly served on or given to 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 post, it is deemed to have been duly served on or given to the person to whom it is addressed as follows, even if the notice or document is returned undelivered:
  - (i) on the 3rd working day after the day the notice or document was posted, if sent by prepaid registered post;
  - (ii) on the 4th working day after the day the notice or document was posted, if sent by ordinary post;
- (c) delivered to or affixed on the front door of any lot, it is deemed to have been duly served on or given to the person on the date of the delivery or affixing of the notice or document at that lot; or

- (d) sent by electronic communication in accordance with subsection (1)(c), it is deemed to be duly served on or given to the person to whom the electronic communication is addressed when it becomes capable of being retrieved by the addressee at an electronic address designated by the addressee.

[35/2017]

(6) Subject to subsection (2), this section does not apply to notices and documents to be served in proceedings in court.

### **Inaccuracies in notices, etc.**

**129A.**—(1) Any misnomer or inaccurate description of any person, premises or building or any other thing named or described in any notice or order given or served under or for the purposes of this Act does not render invalid the notice or order or affect the operation of this Act if the person, premises or building or other thing named or described in the notice or order is so designated or described as to be identifiable.

[35/2017]

(2) No proceedings taken under or by virtue of this Act is rendered invalid merely by reason of want of form, which otherwise would be valid.

[35/2017]

### **Jurisdiction of court**

**130.** Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court and a Magistrate's Court have jurisdiction to try any offence under this Act and have power to impose the full penalty or punishment in respect of the offence.

### **Composition of offences**

**131.**—(1) The Commissioner may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following amounts:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$5,000.

[35/2017]

(2) The Minister may make regulations to prescribe the offences which may be compounded.

(3) All sums collected under this section must be paid into the Consolidated Fund.

[35/2017]

(4) The Commissioner, and any other officer appointed under section 3(3) to exercise the powers conferred on the Commissioner under this section, are, in relation to the administration, collection and enforcement of payment of composition sums under this section, each taken to be a public officer for the purposes of the Financial Procedure Act 1966; and section 20 of that Act applies to the Commissioner and other officer even though he or she is not or was not in the employment of the Government.

[35/2017]

### **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 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 binds the Government but nothing in this Act renders the Government liable to prosecution for an offence.

### **Exemption**

**134.**—(1) The Minister may, by order 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 written notice, 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*; and
  - (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 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 limiting 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;
- (aa) regulating the use and maintenance of lifts and escalators, including prescribing —
  - (i) requirements for periodic inspections of lifts and escalators;
  - (ii) the duties of an owner of a lift or escalator and of any person who is in charge of or engaged in the maintenance of a lift or escalator, such as the keeping of records and the obtaining of a permit to operate a lift or escalator;

- (iii) circumstances where the operation of a lift or escalator must be stopped, permanently or temporarily; and
  - (iv) the procedures and duties of an owner of a lift or escalator, and of any other person, in the event of any incident or accident occurring in connection with any lift or escalator, and if the incident or accident causes loss of life or serious personal injury or involves any breakage, distortion or damage to any load-bearing or safety-critical component or part of the lift or escalator;
- (ab) applying for approval from the Commissioner under section 18(1) of the maximum rate of maintenance charges for a development;
  - (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 the fees;

- (h) the practice and procedure of the Strata Titles Boards;
- (ha) providing for or with respect to the means of voting (other than in person) at a general meeting that may be adopted by a management corporation or subsidiary management corporation, and the procedures for voting by those means;
- (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.

*[35/2017]*

(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 —

- (a) any contravention of any provision of the regulations relating to the maintenance of lifts and escalators, or incidents or accidents involving lifts or escalators, shall be an offence punishable with a fine not exceeding \$20,000 or with imprisonment for a term not exceeding 12 months or with both; or
- (b) any contravention of any provision of any other regulations made under that subsection shall be an offence punishable with a fine not exceeding \$5,000.

*[35/2017]*

(5) Any regulations made under subsection (1) relating to the maintenance of lifts and escalators may apply, adopt or incorporate by reference —

- (a) either wholly or partially;
- (b) with or without modification; or
- (c) either specifically or by reference,

any matter contained in any code, standard, rule, requirement, specification or other document, as in force or published at a

particular time or as in force or published from time to time, which relates to any matter that those regulations deal with.

[35/2017]

(6) Unless otherwise provided in the regulations made under subsection (1), every material so applied, adopted or incorporated under subsection (5), and every amendment to any material so incorporated by reference under subsection (5) that is made by the person or organisation originating the material is, subject to subsections (7) and (8), to be treated as being a part of those regulations.

[35/2017]

(7) Where any material mentioned in subsection (5) is applied, adopted or incorporated by reference in any regulations made under subsection (1) relating to the maintenance of lifts and escalators, the Minister must give notice in the *Gazette* stating —

- (a) that the material is incorporated in those regulations, and the date on which the relevant provision in those regulations was made;
- (b) that the material is available for inspection without charge during working hours;
- (c) the place where the material can be inspected;
- (d) that copies of the material can be purchased, and the place where the material can be purchased; and
- (e) if copies of the material are available in other ways, the details of where or how the material can be accessed or obtained.

[35/2017]

(8) In addition, the Minister must cause a copy of every material applied, adopted or incorporated in regulations made under subsection (1) relating to the maintenance of lifts and escalators by reference under subsection (5), to be made available for inspection by members of the public without charge at any of the offices of the Building and Construction Authority during normal office hours.

[35/2017]

(9) In this section, “modification” includes omissions, additions and substitutions.

[35/2017]

**Saving and transitional provisions due to repeal of Buildings and Common Property (Maintenance and Management) Act (Cap. 30, 2000 Revised Edition)**

**137.**—(1) The saving and transitional provisions contained in Part 1 of the Fourth Schedule (Provisions due to repeal of Buildings and Common Property (Maintenance and Management) Act) have effect.

(2) Any written law or document referring to the repealed Buildings and Common Property (Maintenance and Management) Act (Cap. 30, 2000 Revised Edition) is, as far as may be necessary for preserving its effect, to be construed as referring or as including a reference to this Act.

**Saving and transitional provisions due to amendments to Land Titles (Strata) Act (Cap. 158, 1999 Revised Edition)**

**138.**—(1) [*Omitted as having had effect*]

(2) The saving and transitional provisions contained in Part 2 of the Fourth Schedule (Provisions due to amendments to Land Titles (Strata) Act (Cap. 158, 1999 Revised Edition)) have effect.

**Saving and transitional provisions**

**139.**—(1) Except as otherwise expressly provided in the Fourth Schedule to this Act —

- (a) the provisions of this Act apply to buildings comprised in any strata title plan registered under the Land Titles (Strata) Act (Cap. 158, 1999 Revised Edition) before 1 April 2005; and
- (b) nothing in that Schedule affects any saving provided by the Interpretation Act 1965.

(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 has effect as if the corresponding provision in this Act had been in force when the period began to run; and (without affecting the foregoing) any period of time so specified and current is 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 are to be under this Act as they were or would have been under that former provision.

(3) [*Omitted as spent*]

(4) In this section, “former provision” means any provision in the repealed Act or any provision of the Land Titles (Strata) Act (Cap. 158, 1999 Revised Edition) repealed or amended by this Act.

## FIRST SCHEDULE

Sections 27(3), 29(1)(h), 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 must 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 must —
  - (a) specify the place, day and hour for the meeting;
  - (b) include each proposed resolution to be considered at the meeting;

FIRST SCHEDULE — *continued*

- (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 the person may vote in respect of each proposed resolution and, where relevant, on election of members of the council or executive committee (as the case may be) —
    - (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 the mortgagee 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 the person at the date of the notice (being contributions levied on the person, or moneys recoverable from the person, in respect of the lot of which the person 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.
- (3) Without affecting sub-paragraph (2), every notice for an annual general meeting of a management corporation or subsidiary management corporation must —
- (a) be accompanied by a copy of the statement of accounts of the management corporation or subsidiary management corporation (as the case may be) 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 each of the following:
    - (i) for the adoption of the accounts mentioned in sub-paragraph (a);
    - (ii) to confirm the minutes of the last annual general meeting;
    - (iii) to decide the number of members of the council to be elected;

FIRST SCHEDULE — *continued*

- (iv) for the election of members of the council;
  - (v) to determine the amount to be raised for the management fund and the sinking fund;
  - (vi) to approve the proposed annual budget of the management corporation for the new financial year;
  - (vii) to decide if any matter or type of matter is to be determined only by the management corporation in a general meeting;
  - (viii) for the appointment of an auditor;
- (ba) report on the insurance coverage and review the adequacy of the insurance of the management corporation; 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) A motion must not 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, provided the amendment does not change the subject matter of the motion.
- (4A) A person is not entitled to move a motion unless the person is entitled to vote on the motion.
- (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 is 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) Despite 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.

**Nomination of candidates for election**

1A.—(1) Without affecting paragraph 1(2) and (3), every notice for an annual general meeting of a management corporation or subsidiary management corporation must include a call for nominations for members of the council of the management corporation or the executive committee of the subsidiary management corporation, as the case may be.

FIRST SCHEDULE — *continued*

(2) The secretary of the management corporation or subsidiary management corporation or, in the case of the first annual general meeting, the convenor of the meeting, must give notice at the meeting of every nomination received.

**Persons entitled to vote at general meetings**

2.—(1) A person is 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, the person 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
- (b) in the case of a subsidiary management corporation, the person 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) Despite any other provision of this paragraph, a first mortgagee, as shown on the strata roll, of a lot is 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 the first mortgagee votes on that proposal, any vote cast by the subsidiary proprietor of that lot on the proposal must not be counted.

(3) The vote of joint subsidiary 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, is to be accepted to the exclusion of the votes of the others; and for this purpose, seniority is 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 is, subject to this Schedule, 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

FIRST SCHEDULE — *continued*

(b) a subsidiary management corporation or on any election of its executive committee.

(5) A subsidiary proprietor who is the trustee of a lot is, subject to this Schedule, 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 are not entitled to cast such a vote.

(6) The voting rights conferred by this paragraph are subject to section 65(9) and (10).

**Quorum**

3.—(1) No business may 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 is 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 is 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 subsidiary management corporation (as the case may be) 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) does not apply to a general meeting convened on receipt of a requisition by subsidiary proprietors.

FIRST SCHEDULE — *continued*

**Adjournment of general meetings**

3A.—(1) A general meeting of a management corporation or subsidiary management corporation may be adjourned for any reason if a motion to adjourn the meeting is passed at the meeting.

(2) The person presiding at a general meeting adjourned under sub-paragraph (1) must fix the time and place the general meeting adjourned is to be resumed.

(3) The secretary of the management corporation or subsidiary management corporation (as the case may be) must give notice of the time and place fixed under sub-paragraph (2) at least 14 days before the time fixed for the resumed meeting, as follows:

- (a) by displaying the notice on the notice board of the management corporation or subsidiary management corporation;
- (b) by serving the notice on every subsidiary proprietor.

**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 the chairperson considers that the motion, if carried, would conflict with this Act or the by-laws or would otherwise be unlawful or unenforceable.

**Manner of voting**

5.—(1) A vote at a general meeting of a management corporation or subsidiary management corporation by a person entitled to vote or by a proxy must be cast in person.

(2) Where a vote at a general meeting of a management corporation or subsidiary management corporation is required to be cast in person, the vote must be made using voting slips.

(3) Every voting slip must —

- (a) state each motion submitted at the meeting;
- (b) for each motion, state whether an ordinary resolution, special resolution, 90% resolution, unanimous resolution, comprehensive resolution or resolution by consensus is required for the motion to be passed;
- (c) enable a voter to indicate the capacity in which the voter is exercising a right to vote and the lot in respect of which the vote is cast —
  - (i) whether as owner or first mortgagee;

FIRST SCHEDULE — *continued*

- (ii) as a company nominee; or
  - (iii) as a proxy; and
- (d) enable a voter to cast a written vote for or against each motion or to abstain from voting.

**Chairperson to preside**

6. The chairperson of the management corporation or subsidiary management corporation presides at any general meeting of the management corporation or subsidiary management corporation (as the case may be) at which he or she is present and, in the chairperson's 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 is, while he or she is so presiding, deemed to be the chairperson of the management corporation or subsidiary management corporation, as the case may be.

**List of persons entitled to vote**

7.—(1) At least 48 hours before the start of a general meeting of a management corporation or subsidiary management corporation, the secretary of the management corporation or subsidiary management corporation (as the case may be) must display or cause to be displayed, in accordance with sub-paragraph (2), a list containing —

- (a) the names of every person entitled to vote at the general meeting; and
- (b) the lot or lots in respect of which each of those persons is entitled to vote.

(2) The list mentioned in sub-paragraph (1) must be displayed on the notice board maintained on —

- (a) the common property, in the case of a general meeting of a management corporation; or
- (b) the limited common property, in the case of a general meeting of a subsidiary management corporation.

**Election of council or executive committee**

8.—(1) At a general meeting of a management corporation or subsidiary management corporation at which the council or executive committee (as the case may be) is to be elected, the chairperson of the general meeting must —

FIRST SCHEDULE — *continued*

- (a) announce the names of the candidates already nominated in writing for election to the council or executive committee in accordance with section 53B; and
- (b) call for any oral nominations of persons eligible for election to the council or executive committee, as the case may be.

(2) After the chairperson of the general meeting declares that nominations have closed, the management corporation or subsidiary management corporation must decide, in accordance with this Act, the number of members of the council or executive committee, as the case may be.

(3) Subject to section 53A, if the number of candidates is the same as, or fewer than, the number of members of the council or executive committee (as the case may be) decided on under sub-paragraph (2), those candidates must be declared by the chairperson to be, and are taken to have been, elected as the members of the council or executive committee, as the case may be.

(4) Each person entitled to vote on an election of members of the council or executive committee has one vote in respect of each lot in respect of which the person is entitled to vote.

(5) To avoid doubt, no poll is required for an election to office as a member of a council or an executive committee.

**Counting of votes on motion**

9.—(1) Subject to this paragraph, a motion submitted at a general meeting of a management corporation or subsidiary management corporation (as the case may be) is to 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 that person 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 subsidiary management corporation (as the case may be) 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,

FIRST SCHEDULE — *continued*

the motion is to 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 subsidiary management corporation (as the case may be) by a person entitled to vote in respect of a lot is 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 is 25% of the value that, but for this sub-paragraph, the subsidiary proprietor's vote would have under sub-paragraph (3), ignoring any fraction.

(5) A poll must be taken in the manner 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 subsidiary management corporation (as the case may be), otherwise than on a poll, is conclusive without proof of the votes recorded for or against the proposal.

**Minutes of general meetings**

10A. The minutes of every general meeting must contain the following information:

- (a) the date, time and place of the meeting;
- (b) the names of the subsidiary proprietors present at the meeting;
- (c) the names of the subsidiary proprietors who have appointed proxies;
- (d) the names of the proxies present at the meeting;
- (e) the result of the votes on every motion submitted at the meeting;
- (f) the text of every resolution passed at the meeting.

**General meetings valid if attended only by chairperson**

11. A general meeting of a management corporation or subsidiary management corporation (as the case may be) is, subject to paragraph 3, validly held even though the only person present at the meeting is the chairperson of the management corporation or subsidiary management corporation, as the case may be.

FIRST SCHEDULE — *continued*

**Requisition for motions to be included on agenda for general meeting**

12.—(1) Any subsidiary proprietor may, by written notice served on the secretary of the council of the management corporation or subsidiary management corporation (as the case may be), require inclusion in the agenda of the next general meeting of the management corporation or subsidiary management corporation (as the case may be) of a motion set out in the firstmentioned notice and the secretary must comply with the notice.

(2) The secretary of the council must give effect to every requirement in every notice under sub-paragraph (1).

(3) Sub-paragraph (1) does not require the inclusion of a motion on the agenda of a general meeting for which notices have already been given in accordance with this Schedule, but in that case, the secretary of the council must 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 the subsidiary proprietor's lot, would be entitled to vote at a general meeting of the management corporation or subsidiary management corporation (as the case may be) is 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 must 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 subsidiary management corporation, as the case may be.

**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 must 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 must, 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

FIRST SCHEDULE — *continued*

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 subsidiary management corporation (as the case may be) 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 must state the objects of the meeting and must be signed by the requisitionists and deposited at the registered address of the management corporation and subsidiary management corporation, and may consist of several documents in like form each signed by one or more requisitionists.

(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 must not be held after the expiry 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 must be paid to the requisitionists by the management corporation or subsidiary management corporation, as the case may be.

**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 the owner developer's agent duly authorised in writing —

- (a) may convene an extraordinary general meeting; and
- (b) must 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

FIRST SCHEDULE — *continued*

- (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 is designated.

(2) The provisions of this Schedule (except for paragraph 1(3)) apply to and in respect of a meeting mentioned 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 any person 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 is, in accordance with the person’s authority or until the person’s authority is revoked by the company, entitled to exercise the same powers on behalf of the company as the company could exercise if it were an individual.

**Instrument of proxy**

17.—(1) An instrument appointing a proxy must be in writing —

- (a) under the hand of the person appointing the proxy or of the person’s 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 must be in the following form:

\*I/We, ..... of being \*a member/members of the abovenamed management corporation, appoint ..... of ..... as \*my/our proxy to attend at the [annual or extraordinary, as the case may be] general meeting of the management corporation or subsidiary management corporation, to be held on ..... 20 ....., and at any adjournment of the meeting and to vote for \*me/us on \*my/our behalf in the following manner:

Resolution	For	Against	Abstain

*Notes:*

FIRST SCHEDULE — *continued*

1. A subsidiary proprietor may direct the subsidiary proprietor's proxy to vote on the resolution by ticking the desired box (in favour of/against the resolution or abstain from voting) in the above table. An abstain vote will not be counted in the calculation of votes.

2. If the subsidiary proprietor does not indicate the subsidiary proprietor's voting preference in the above table, the proxy may vote or abstain from voting at the proxy's discretion, in relation to any matter which is put before the meeting (including any resolution to adjourn the meeting or to amend any resolution proposed at the meeting).

3. This instrument appointing a proxy is void if \*I am/we are present at the meeting.

Signed on ..... 20 .....

.....

Signature(s) of subsidiary proprietor(s)

.....

Signature(s) of proxy

\*delete whichever is inapplicable

(3) The instrument appointing a proxy is deemed to confer authority to demand or join in demanding a poll.

(4) The instrument appointing a proxy is void if the person appointing the proxy is present at the meeting.

(5) An appointed proxy can only represent a maximum of —

(a) 2 lots; or

(b) 2% of the total number of lots in the development (rounded down to the nearest whole number),

whichever is the higher.

(6) In the event an appointed proxy represents more than the maximum mentioned in sub-paragraph (5), the additional instrument of proxy held is void.

**Proxy to be deposited at registered address of management corporation or subsidiary 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, must be deposited at the registered address of the management

FIRST SCHEDULE — *continued*

corporation or subsidiary management corporation (as the case may be) or at any other place in Singapore that 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 must not be treated as valid.

**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 the person's 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 is valid despite the previous death or mental disorder 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, mental disorder, 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.

[21/2008; 35/2017]

## 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 presides at all meetings of the council or executive committee (as the case may be) at which he or she is present and, if he or she is absent from any such meeting, the members of the council or executive committee present at that meeting must appoint one of their number to preside at that meeting during the absence of the chairperson.

#### **Method of holding meetings**

1A.—(1) A meeting of a council or an executive committee may be held by a quorum of the members, being assembled together at the time and place appointed for the meeting.

(2) Where a council or an executive committee, by resolution, adopts the holding of any of its meetings by means of teleconference, video conferencing or other electronic means of communication, a meeting of the council or executive committee may be held by the means adopted provided that —

- (a) all of the members of the council or executive committee (as the case may be) who wish to participate in the meeting have access to the technology needed to participate in the meeting; and
- (b) a quorum of those members can simultaneously communicate with each other throughout the meeting.

#### **Meetings of councils or executive committees**

2.—(1) At any meeting of a council or an executive committee, a quorum consists of —

- (a) where there is only one member of a council or an executive committee — that member; or
- (b) where there are 2 or more members of a council or an executive committee — 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 is treated as being present at a meeting even

SECOND SCHEDULE — *continued*

though under section 60 that member cannot vote or has withdrawn from the meeting.

(2A) For the purposes of this paragraph, a member of a council or an executive committee participating in a meeting of the council or executive committee as permitted under paragraph 1A(2) is taken to be present at 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,

is 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 must 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 must keep minutes of its proceedings and must cause minutes of general meetings to be kept.

(2) The council or executive committee must maintain a notice board and display on the notice board —

(a) a copy of the minutes of a meeting of the council or executive committee not later than the 14th day after the meeting; or

(b) a copy of the minutes of a general meeting of the management corporation or subsidiary management corporation not later than the 45th day after the general meeting.

(2A) The notice board mentioned in sub-paragraph (2) may be an online notice board maintained on the website of the management corporation or subsidiary management corporation.

(3) A copy of any minutes mentioned in sub-paragraph (2) must be kept displayed on the notice board for a period of not less than 14 days.

(4) The council or executive committee may also give each subsidiary proprietor a copy of the minutes mentioned in sub-paragraph (2)(a) or (b) within the period specified in that sub-paragraph.

SECOND SCHEDULE — *continued*

- (5) The council or executive committee must —
- (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 the subsidiary proprietor or mortgagee), 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 must 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 of intention to hold a meeting of a council or an executive committee required by sub-paragraph (1) must specify the following:

- (a) a detailed agenda of the meeting;
- (b) the place at and the day on which the meeting is to be held and the time the meeting is to start;
- (c) if the council or executive committee has, by resolution, adopted any means in paragraph 1A(2) by which the meeting of the council or executive committee may be held, the means by which the meeting is to be held and information as to how to participate in or attend that meeting using that means, such as (but not limited to) a password.

**Adjournment of council or executive committee meetings**

4A.—(1) A meeting of a council or an executive committee may be adjourned for any reason if a motion to adjourn the meeting is passed at the meeting.

(2) The council or executive committee must give notice of the time and place a meeting adjourned under sub-paragraph (1) is to be resumed.

(3) The notice required by sub-paragraph (2) must be given at least 3 days before the time fixed for the resumed meeting, as follows:

- (a) by displaying a notice on the notice board of the management corporation or subsidiary management corporation;

SECOND SCHEDULE — *continued*

- (b) by serving the notice on each member of the council or executive committee.

**Subsidiary proprietor's attendance at council meetings, etc.**

5.—(1) A subsidiary proprietor who is a member of a management corporation is 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 is 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 is entitled to attend a meeting of the executive committee of the subsidiary management corporation.

(4) If the council or executive committee has, by resolution, adopted any means in paragraph 1A(2) by which the meeting of the council or executive committee may be held, a subsidiary proprietor using the means specified in the notice under paragraph 4(2)(c) is taken to be present at the meeting.

**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 is, even though 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
- (b) any defect in the appointment, or any disqualification of any such member,

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 an executive committee is 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 in accordance with paragraph 1A 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;

SECOND SCHEDULE — *continued*

- (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.

**Minutes of council or executive committee meetings**

8. The minutes of every meeting of a council or an executive committee must contain the following information:

- (a) the date, time and place of the meeting;
- (b) the names of the members of the council or executive committee present at the meeting;
- (c) the names of the members of the council or executive committee voting;
- (d) the result of the votes on every motion submitted at the meeting;
- (e) the text of every resolution passed at the meeting.

*[35/2017]*

THIRD SCHEDULE

*[Omitted as having had effect]*

FOURTH SCHEDULE

Sections 32(2), 137(1), 138(2) and 139

SAVING AND TRANSITIONAL PROVISIONS

PART 1

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 1 April 2005, is —
  - (a) the Commissioner of Buildings; or

FOURTH SCHEDULE — *continued*

(b) an officer appointed under section 3(1) of the repealed Act, continues to hold such office as if the person 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, so far as it is not inconsistent with the provisions of this Act, continues and is 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 are, so far as it is not inconsistent with the provisions of this Act, deemed to have been approved under section 18 of this Act.

3. [*Omitted as spent*]

4. [*Omitted as spent*]

**Existing maintenance funds and managing agents**

5.—(1) Every maintenance fund which was established by a developer under the repealed Act before 1 April 2005 in respect of any development continues and is 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 requires any owner developer to dispose of any investments made before 1 April 2005 out of moneys in any maintenance fund continued by this paragraph.

(3) Any person who, immediately before 1 April 2005, is a managing agent appointed by the Commissioner of Buildings under section 12 of the repealed Act continues as such managing agent as if the person were appointed under section 19 of this Act.

6. [*Omitted as spent*]

PART 2

PROVISIONS DUE TO AMENDMENTS TO LAND TITLES (STRATA) ACT  
(CAP. 158, 1999 REVISED EDITION)

**Definitions**

7. In this Part, unless the context otherwise requires, “former provisions” means Part IV of the Land Titles (Strata) Act (Cap. 158, 1999 Revised Edition) repealed by this Act.

8. [*Omitted as spent*]

FOURTH SCHEDULE — *continued*

**Pending proceedings at Strata Titles Boards**

9. This Act does not affect —

- (a) [*Omitted as spent*]
- (b) the continued operation or force of any order or decision of any Strata Titles Board made before 1 April 2005; and
- (c) any right of appeal accrued before 1 April 2005 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 continues and is, on and from 1 April 2005, 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 1 April 2005 under the former provisions is deemed to have been made or taken under the corresponding provisions of this Act.

11. [*Omitted as spent*]

12. [*Omitted as spent*]

**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 1 April 2005, that determination or contribution (as the case may be) is deemed to have been made, taken or levied (as the case may be) 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 1 April 2005 may be recovered by the management corporation, and as and on and from 1 April 2005, bears interest as if it were a contribution levied under this Act.

(3) Every management fund and sinking fund which, immediately before 1 April 2005, is kept under the former provisions by a management corporation continued by the operation of paragraph 10 continues and is 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) Despite 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 is, if inconsistent with section 2(9), 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 1 April 2005 continues in force and is 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 are the following by-laws in force immediately before 1 April 2005:

- (a) the by-laws set out in the First Schedule to the Land Titles (Strata) Act (Cap. 158, 1999 Revised Edition) 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 (Cap. 158, 1999 Revised Edition) 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 (Cap. 158, 1999 Revised Edition) repealed by this Act.

(4) Where, immediately before 1 April 2005, a subsidiary proprietor of a lot was entitled, pursuant to section 41 of the Land Titles (Strata) Act (Cap. 158, 1999 Revised Edition) 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 continues to be entitled to that right or those special privileges in accordance with the terms of the by-law, and any such by-law is terminable on reasonable notice unless the management corporation otherwise resolves by unanimous resolution.

FOURTH SCHEDULE — *continued*

(5) Any by-law made under the former provisions by a management corporation continued by the operation of paragraph 10 is, if inconsistent with section 2(9), void to the extent of that inconsistency.

**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 1 April 2005, section 49 of this Act does not apply to the management corporation, and the former initial period —

- (a) continues to run from the date or event from which it was running immediately before 1 April 2005; and
- (b) expires (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 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 (Cap. 158, 1999 Revised Edition) repealed by this Act.

**Existing proxies**

16. Any appointment of a person as a proxy of another person under the Third Schedule to the Land Titles (Strata) Act (Cap. 158, 1999 Revised Edition) repealed by this Act, being an appointment in force immediately before 1 April 2005, is 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 (Cap. 158, 1999 Revised Edition) repealed by this Act is 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 (Cap. 158, 1999 Revised Edition) repealed by this Act, so far as it is not inconsistent with the provisions of this Act, continues and is deemed to have been prepared, made, granted or approved under the corresponding provisions of this Act.

*Building Maintenance and  
Strata Management  
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FOURTH SCHEDULE — *continued*

**References in other written laws**

18. Any written law or document referring to the former provisions is, as far as may be necessary for preserving its effect, to be construed as referring or as including a reference to the corresponding provisions in this Act.

LEGISLATIVE HISTORY  
BUILDING MAINTENANCE AND  
STRATA MANAGEMENT  
ACT 2004

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

**1. Act 47 of 2004 — Building Maintenance and Strata Management Act (Chapter 30C)**

Date of First Reading	:	6 February 2004 (Bill No. 6/2004 published on 7 February 2004)
Date of Second Reading	:	19 April 2004
Date Committed to Select Committee	:	19 April 2004
Report Presented to Parliament	:	7 October 2004 (Parl. 5 of 2004)
Date of Third Reading	:	19 October 2004
Date of commencement	:	1 April 2005 (except sections 11(2), (4) and (6), 12(2) and 33(8) and (9), Part VII, item (5) in the Third Schedule and items (9)(b), (11) and (12)(a) in the Fifth Schedule

**2. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005**

Date of First Reading	:	17 October 2005 (Bill No. 30/2005 published on 18 October 2005)
Date of Second and Third Readings	:	21 November 2005
Date of commencement	:	1 January 2006 (section 11 — Amendment of Building Maintenance and Strata Management Act 2004)

**3. Act 2 of 2007 — Statutes (Miscellaneous Amendments) Act 2007**

Date of First Reading	:	8 November 2006 (Bill No. 14/2006 published on 9 November 2006)
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Date of Second and Third Readings	:	22 January 2007
Date of commencement	:	1 March 2007 (item (1) of the Schedule — Amendment of Building Maintenance and Strata Management Act 2004)

**4. Act 46 of 2007 — Land Titles (Strata) (Amendment) Act 2007**

Date of First Reading	:	27 August 2007 (Bill No. 32/2007 published on 28 August 2007)
Date of Second and Third Readings	:	20 September 2007
Date of commencement	:	4 October 2007

**5. Act 47 of 2007 — Building Control (Amendment) Act 2007**

Date of First Reading	:	27 August 2007 (Bill No. 34/2007 published on 28 August 2007)
Date of Second and Third Readings	:	20 September 2007
Date of commencement	:	15 February 2008

**6. Act 5 of 2008 — Workmen’s Compensation (Amendment) Act 2007**

Date of First Reading	:	12 November 2007 (Bill No. 50/2007 published on 13 November 2007)
Date of Second and Third Readings	:	22 January 2008
Date of commencement	:	1 April 2008

**7. 2008 Revised Edition — Building Maintenance and Strata Management Act**

Date of operation	:	31 July 2008
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**8. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008**

Date of First Reading	:	21 July 2008 (Bill No. 11/2008 published on 22 July 2008)
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Date of Second and Third Readings : 15 September 2008

Date of commencement : 1 March 2010

**9. Act 13 of 2010 — Land Titles (Strata) (Amendment) Act 2010**

Date of First Reading : 26 April 2010  
(Bill No. 9/2010 published on 26 April 2010)

Date of Second and Third Readings : 18 May 2010

Date of commencement : 15 July 2010

**10. Act 8 of 2014 — Land Titles (Amendment) Act 2014**

Date of First Reading : 20 January 2014  
(Bill No. 4/2014 published on 20 January 2014)

Date of Second and Third Readings : 17 February 2014

Date of commencement : 15 August 2014

**11. Act 26 of 2014 — Land Acquisition (Amendment) Act 2014**

Date of First Reading : 7 July 2014  
(Bill No. 20/2014 published on 7 July 2014)

Date of Second and Third Readings : 5 August 2014

Date of commencement : 29 September 2014

**12. Act 35 of 2017 — Building Maintenance and Strata Management (Amendment) Act 2017**

Date of First Reading : 1 August 2017  
(Bill No. 29/2017 published on 1 August 2017)

Date of Second and Third Readings : 11 September 2017

Date of commencement : 14 December 2018

**13. Act 48 of 2018 — Environmental Public Health (Amendment) Act 2018**

Date of First Reading	:	10 September 2018 (Bill No. 39/2018 published on 10 September 2018)
Date of Second and Third Readings	:	2 October 2018
Date of commencement	:	1 February 2019

**14. Act 35 of 2017 — Building Maintenance and Strata Management (Amendment) Act 2017**

Date of First Reading	:	1 August 2017 (Bill No. 29/2017 published on 1 August 2017)
Date of Second and Third Readings	:	11 September 2017
Date of commencement	:	1 February 2019

**15. Act 33 of 2018 — Small Claims Tribunals (Amendment) Act 2018**

Date of First Reading	:	17 May 2018 (Bill No. 23/2018 published on 17 May 2018)
Date of Second and Third Readings	:	9 July 2018
Date of commencement	:	1 November 2019

**16. Act 2 of 2020 — Statutes (Miscellaneous Amendments) Act 2020**

Date of First Reading	:	4 November 2019 (Bill No. 36/2019 published on 4 November 2019)
Date of Second and Third Readings	:	6 January 2020
Date of commencement	:	10 February 2020

**17. Act 27 of 2019 — Work Injury Compensation Act 2019**

Date of First Reading	:	5 August 2019 (Bill No. 21/2019)
Date of Second and Third Readings	:	3 September 2019
Date of commencement	:	1 September 2020

**18. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019**

Date of First Reading	:	7 October 2019 (Bill No. 32/2019)
Date of Second and Third Readings	:	5 November 2019
Date of commencement	:	2 January 2021

**19. 2020 Revised Edition — Building Maintenance and Strata Management Act 2004**

Operation	:	31 December 2021
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**20. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021**

Bill	:	18/2021
First Reading	:	26 July 2021
Second and Third Readings	:	14 September 2021
Commencement	:	1 April 2022

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE  
 BUILDING MAINTENANCE AND  
 STRATA MANAGEMENT  
 ACT 2004

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

<b>2020 Ed.</b>	<b>2008 Ed.</b>
—	<b>33—(8)</b> [ <i>Deleted by Act 35 of 2017</i> ]
—	(9) [ <i>Deleted by Act 35 of 2017</i> ]
[ <i>Omitted as having had effect</i> ]	<b>140</b>
[ <i>Omitted as having had effect</i> ]	<b>FIFTH SCHEDULE</b>