



THE STATUTES OF THE REPUBLIC OF SINGAPORE

LAND TITLES (STRATA) ACT

(CHAPTER 158)

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Land Titles (Strata) Act

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

[15th May 1968]

PART I
PRELIMINARY

Short title

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

Application

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

Interpretation

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

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

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

“Authority” means the Singapore Land Authority established under the Singapore Land Authority Act (Cap. 301);

“Board” means a Strata Titles Board constituted under the Building Maintenance and Strata Management Act (Cap. 30C);

“building” includes —

- (a) any building partially completed;
 - (b) where applicable, any building to be erected within a stratum shown or specified in any strata subdivision plan submitted to the relevant authority for approval;
- or

- (c) any building to be erected which is authorised for strata subdivision under a notification made by the Minister under section 21(6) of the Planning Act (Cap. 232);

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

“common property”, subject to subsection (2), means —

- (a) in relation to any land and building comprised or to be comprised in a strata title plan, such part of the land and building —
- (i) not comprised in any lot or proposed lot in that strata title plan; and
 - (ii) used or capable of being used or enjoyed by occupiers of 2 or more lots or proposed lots;
[Act 35 of 2017 wef 01/02/2019]
- (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
[Act 35 of 2017 wef 01/02/2019]
- (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.

[Act 35 of 2017 wef 01/02/2019]

“company” includes —

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

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

in respect of the development or subdivision of land, as the case may be;

“council” has the same meaning as in the Building Maintenance and Strata Management Act;

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

“immediate family member” has the same meaning as in the Building Maintenance and Strata Management Act (Cap. 30C);

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

“Land Titles Registry” means the Land Titles Registry of the Authority;

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

“management corporation” means a management corporation constituted under this Act;

“ordinary resolution” has the same meaning as in the Building Maintenance and Strata Management Act;

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

“planning permission” has the same meaning as in the Planning Act (Cap. 232);

“proposed lot” has the same meaning as in the Building Maintenance and Strata Management Act;

“proprietor”, in relation to land comprised in a strata title plan, means the person who was the proprietor of the land the subject of the strata title plan immediately before the registration of the strata title application for that plan under section 9;

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

“registered land” means land which has been brought under the provisions of the Land Titles Act, by being included in a folio of the land-register, and held by the registered proprietor for an estate in fee simple or perpetuity, or for a leasehold estate comprised in a Crown or State lease;

“registered lease” means a lease registered under the provisions of the Land Titles Act (Cap. 157);

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

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

“relevant authority” means any one or more Government or statutory authorities empowered to approve plans for development or subdivision of any land or plans relating to the construction of any building under the Planning Act (Cap. 232) or under any other written law and includes the competent authority;

“schedule of strata units”, in relation to any land or building, means the schedule of strata units accepted by the Commissioner under section 11 of the Building

Maintenance and Strata Management Act (Cap. 30C) for that land or building;

“share value” has the same meaning as in the Building Maintenance and Strata Management Act;

“special resolution” has the same meaning as in the Building Maintenance and Strata Management Act;

[Deleted by Act 35 of 2017 wef 01/02/2019]

“strata roll” has the same meaning as in the Building Maintenance and Strata Management Act;

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

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

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

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

(c) contains the particulars prescribed under the Boundaries and Survey Maps Act (Cap. 25),

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

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

“structural element” has the same meaning as in section 2(1) of the Building Maintenance and Strata Management Act;

[Act 35 of 2017 wef 01/02/2019]

“subdivided building” means —

- (a) any one or more buildings comprised in a strata subdivision plan approved by the relevant authority; or
- (b) any building or class of buildings authorised for strata subdivision under a notification made by the Minister under section 21(6) of the Planning Act (Cap. 232);

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

“subsidiary management corporation” has the same meaning as in the Building Maintenance and Strata Management Act (Cap. 30C);

“subsidiary proprietor” means —

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

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

“unanimous resolution” has the same meaning as in the Building Maintenance and Strata Management Act (Cap. 30C).

[23/82; 16/87; S 309/87; 3/98; 21/99; 17/2001; 30/2003; 37/2004; 47/2004; 42/2005; 46/2007]

(2) For the purposes of this Act —

- (a) all windows of a lot, proposed lot or non-strata lot that are located on any exterior wall of the lot, proposed lot or (as the case may be) non-strata lot, being either louvres,

casement windows, sliding windows or windows with any movable part, shall be part of the lot, proposed lot or (as the case may be) non-strata lot and not common property; and

- (b) all other windows of a lot, proposed lot or non-strata lot that are located on any exterior wall of the lot, proposed lot or (as the case may be) non-strata lot shall be common property, unless otherwise described in a strata title plan.

[47/2004]

Application of Land Titles Act

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

PART II

SUBDIVISION AND SUBSIDIARY STRATA LAND-REGISTER

Approval of subdivision under Planning Act

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

Authorisation of strata subdivision under notification made by Minister under Planning Act

5A.—(1) Where by reason of any notification made by the Minister under section 21(6) of the Planning Act (Cap. 232) —

- (a) the strata subdivision of any building or class of buildings as specified in that notification is authorised; and
- (b) the approval by the competent authority of a strata subdivision plan for that building or class of buildings is not required under the Planning Act (Cap. 232),

then for the purposes of this Act and any regulations made thereunder, where any thing or matter is required to be done in accordance with or to be ascertained from any strata subdivision plan approved or issued by the competent authority, such requirement shall be deemed to be

complied with or satisfied if it is done in accordance with or ascertained from building plans approved by the relevant authority.

[30/2003]

(2) For the purposes of subsection (1), the building plans approved by the relevant authority —

(a) shall be endorsed with a certificate by a surveyor who is registered under the Land Surveyors Act (Cap. 156) and has in force a practising certificate issued under that Act certifying that the boundaries of all the strata lots which he has delineated on the approved building plans have been endorsed by the proprietor of the development to be correct and in accordance with what was sold or agreed to be sold by the proprietor; and

(b) shall contain such other certifications and particulars as may be required by the Registrar or the Chief Surveyor.

[30/2003]

Dealings with subdivided building

6.—(1) Subject to this section and except in the case where under section 22 of the Land Titles Act (Cap. 157) the Registrar has directed that any building may be dealt with in parts under the provisions of the Registration of Deeds Act (Cap. 269), no assurance (except mortgages, charges, reconveyances or discharges of subsisting mortgages or charges, vesting orders issued by the High Court and any assurance made pursuant to a power of sale conferred by any written law) disposing of any part of a subdivided building shall be registered under the Land Titles Act or the Registration of Deeds Act.

[42/2005]

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

[16/87]

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

- (a) a strata title application in the approved form for the issue of subsidiary strata certificates of title has been lodged with the Registrar;
- (b) a strata title plan has been lodged with and approved by the Chief Surveyor under the Boundaries and Survey Maps Act (Cap. 25); and
- (c) the Registrar has registered the strata title application lodged under paragraph (a) and has issued the subsidiary strata certificates of title applied for.

[37/2004]

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

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

(5) Subject to sections 125, 125A, 126, 126A and 127, this section shall not apply to any building where, on 15th April 1976, a flat forming part of that building has been disposed of by the proprietor thereof by a lease registered under the Land Titles Act (Cap. 157) or the Registration of Deeds Act (Cap. 269), and the registered leasehold interest is vested in any person other than the proprietor.

[42/2005]

(6) In this section —

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

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

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

[16/87]

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

7. [*Repealed by Act 47 of 2004*]

Notification of planning condition on land-register, etc.

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

[23/82; 16/87]

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

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

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

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

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

Registration of strata title application and strata title plan

9.—(1) No strata title application for a parcel shall be registered under this section unless —

- (a) it is in the approved form; and
- (b) the strata title plan for that parcel has been lodged with and approved by the Chief Surveyor under the Boundaries and Survey Maps Act (Cap. 25).

[37/2004]

(2) Every strata title application shall —

- (a) show the share values in whole numbers of each lot (except an accessory lot) and a number equal to the aggregate share value entitlement of all the lots comprised in the parcel; and
- (b) contain such other particulars as may be prescribed or as the Registrar may specify.

[37/2004]

(3) The strata title plan shall be deemed to be registered under the provisions of this Act on the date that the strata title application is registered by the Registrar under subsection (1) and the strata title plan has been assigned a strata title plan serial number as notified in the land-register.

[37/2004]

(4) For the purposes of subsection (2)(a), where planning permission for the erection of the buildings comprising the lots has been granted on or after 15th April 1976, the share values shown on

the strata title application shall be those shown in the schedule of strata units filed with and accepted by the Commissioner.

[37/2004; 46/2007]

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

[37/2004]

(6) In this section, “lot” includes a provisional lot.

[37/2004]

Subsidiary strata land-register

10.—(1) The Registrar shall —

(a) prepare and maintain for the purposes of this Act a series of records to be called “the subsidiary strata land-register”; and

(b) issue for each lot shown on the strata title application a subsidiary strata certificate of title.

[37/2004]

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

[37/2004; 46/2007]

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

[37/2004]

Constitution of management corporation, etc.

10A.—(1) The subsidiary proprietors from time to time of all lots comprised in a strata title plan shall, on the date of registration of the strata title application in respect of that strata title plan under this Act, constitute the management corporation for that strata title plan.

[47/2004]

(2) The subsidiary proprietors from time to time of the lots for whose exclusive benefit any limited common property is designated

in a strata title plan, or in a comprehensive resolution filed with the Chief Surveyor under section 78(2)(b) of the Building Maintenance and Strata Management Act (Cap. 30C), shall on the date of registration of the strata title application in respect of that strata title plan or such other instrument as required by the Registrar under this Act, constitute the subsidiary management corporation for that limited common property.

[47/2004]

(3) The Registrar may, upon payment of a prescribed fee, issue to a management corporation or a subsidiary management corporation a certificate stating that the management corporation or subsidiary management corporation, as the case may be, is a body corporate constituted on the day specified therein.

[47/2004]

Share value not to be changed

11.—(1) Except as otherwise expressly provided in this Act or the Building Maintenance and Strata Management Act (Cap. 30C), the share value of any lot shown in the subsidiary strata land-register shall not be altered in any manner on or after the date of registration of the strata title application comprising that lot.

[37/2004; 47/2004]

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

[37/2004]

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

[37/2004]

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

[S 309/87]

Plan of redevelopment

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

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

[16/87; 37/2004]

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

[37/2004]

(3) No strata title application for redevelopment shall be accepted by the Registrar unless an amended schedule of strata units showing the proposed share values to be allotted to the lot or lots affected by the redevelopment has been filed with and accepted by the Commissioner.

[37/2004]

(3A) In the proposed allotment of share values referred to in subsection (3) —

- (a) where a lot is subdivided, the aggregate share value of the proposed new lot or lots shall be equal to the share value of the former lot; and
- (b) where 2 or more lots are amalgamated, the share value of the proposed new lot or lots shall be equal to the aggregate share value of the former lots.

[37/2004]

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

(5) No strata title application for redevelopment shall be registered unless —

- (a) it is in the approved form; and
- (b) the strata title plan for redevelopment has been lodged with and approved by the Chief Surveyor under the Boundaries and Survey Maps Act (Cap. 25).

[37/2004]

(5A) The strata title plan for redevelopment shall be deemed to be registered under the provisions of this Act on the date that the strata title application for redevelopment is registered by the Registrar.

[37/2004]

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

[23/82; 37/2004; 42/2005]

(7) On registration of the strata title application for redevelopment, the Registrar shall make the appropriate amendment and entry on the relevant folios of the land-register and subsidiary strata land-register comprising the lot or lots shown in the strata title plan for redevelopment.

[37/2004]

(8) All other provisions of this Act relating to a strata title plan, a strata title application and a lot, so far as they are not inconsistent with the provisions of this section, shall apply to a strata title plan for redevelopment, a strata title application for redevelopment and any lot shown therein, respectively.

[37/2004]

12A. [Repealed by Act 35 of 2017 wef 01/02/2019]

Common property

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

[16/87; 37/2004]

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

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

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

[37/2004]

(5) Where the subsidiary strata certificates of title were issued before 15th April 1976, the duplicate certificate of title comprising the parcel may be deposited with the Registrar.

[37/2004]

Powers of mortgagees of flats brought under this Act

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

- (a) to be the donee of an irrevocable power of attorney granted by the mortgagor in respect of the mortgagor's estate in the undivided share in the common property appurtenant to the lot comprising the mortgaged flat upon the issue of the subsidiary strata certificate of title; and
- (b) to have been vested with all rights and powers as if he is the registered proprietor of the estate in the share of the common property appurtenant to the flat mortgaged by the subsidiary proprietor as and when the mortgagee exercises

his powers as mortgagee under the registered mortgage of the flat.

[16/87; 42/2005; S 309/87]

Accessory lot

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

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

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

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

PART III

RIGHTS AND OBLIGATIONS OF SUBSIDIARY PROPRIETOR

Easement of support

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

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

[16/87]

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

[16/87]

Easement of shelter

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

[16/87]

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

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

[16/87]

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

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

- (a) in favour of the subsidiary proprietor of the lot, and as appurtenant thereto, easements for the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air and other services (including telephone, radio and television services) through or by means of any pipes, wires, cables or ducts to the extent to which those sewers, pipes, wires, cables or ducts are capable of being used in connection with the enjoyment of the lot; and
- (b) as against the subsidiary proprietor of the lot, and to which the lot shall be subject, easements for the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air and other services (including telephone, radio and television services) through or by means of any sewers, pipes, wires, cables or ducts, as appurtenant to the common property and also to every other lot capable of enjoying such easements.

Easements for light over-hanging eaves and other projections

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

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

[16/87]

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

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

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

[16/87]

Ancillary rights

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

Waiver of registration of statutory easements

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

Creation of easements and restrictions

22.—(1) This section shall apply where a management corporation has, in accordance with section 35(1) of the Building Maintenance and Strata Management Act (Cap. 30C), passed a unanimous resolution to —

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

[47/2004]

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

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

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

(4) The Registrar shall register the instrument creating the easement or restrictive covenant by making the appropriate notification on the relevant folio of the land-register.

[37/2004]

Dispositions of common property

23.—(1) This section shall apply where a management corporation has, in accordance with section 34(1) of the Building Maintenance and Strata Management Act (Cap. 30C), passed a 90% resolution as defined under that Act —

- (a) to execute on the behalf of its subsidiary proprietors a transfer of any part of the common property (including a part of any building or any immovable property affixed to common property); or
- (b) to execute on their behalf a lease of or rent part of such common property.

[47/2004; 42/2005]

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

[47/2004]

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

[16/87]

(3) Every instrument of such transfer or lease lodged for registration shall be endorsed with or accompanied by a certificate in the approved form under the seal of the management corporation

that the resolution was duly passed and that all necessary consents were given, and the certificate in favour of the purchaser and the Registrar shall be conclusive evidence of the facts stated therein.

[47/2004]

(4) Upon registration of the transfer by the Registrar, the part of the common property transferred shall be free from any encumbrances (except those created by statute and subsisting easements not created or implied under this Act) and the Registrar shall —

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

[16/87; 37/2004; 47/2004; 42/2005]

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

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

[42/2005]

(2) The Registrar, if satisfied that the instrument of vesting relates to part of the common property as shown in the plan approved by the relevant authority for any of the purposes mentioned in subsection (1) and that the instrument has been duly executed and certified by the public authority, shall, notwithstanding that any part of a building within one or more lots is erected on, over or under any part of such

common property, register the instrument on the relevant folio of the land-register without production of the duplicate instrument.

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

(3) On registration of the instrument of vesting, the Registrar shall cancel the registration of any mortgage, charge or lease thereby overreached and make the appropriate notification on the relevant folio of the land-register comprising the common property.

[37/2004]

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

Addition to common property

25.—(1) This section shall apply where a management corporation has, in accordance with section 34(3) of the Building Maintenance and Strata Management Act (Cap. 30C), passed a special resolution to accept —

- (a) a grant or transfer of any land (not being a lot within the parcel) which abuts the parcel, free from any encumbrances (except those created by statute and subsisting easements);
- (b) a grant or transfer of any lot, including the undivided share in the common property 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.

[47/2004]

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

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

- (a) enter a memorial of the transfer on the folio of the land-register comprising the common property;
- (b) amend the relevant folios of the land-register and subsidiary strata land-register in such manner as the Registrar may think fit so as to show thereon the transferred land or part thereof or the lot transferred as forming part of the common property; and
- (c) where a lot is transferred, amend the relevant folios of the subsidiary strata land-register to decrease the aggregate share value by a number equivalent to the share value of that lot.

[37/2004]

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

- (a) the transferred land or the transferred lot, as the case may be, shall form part of the common property and the provisions of this Act applicable to common property as varied by this section shall apply to such transferred land or lot;
- (b) the subsidiary proprietors shall hold the common property (including the transferred land or lot) as tenants-in-common in accordance with their respective share values as determined under subsection (3); and
- (c) without any further assurance the subsidiary proprietors shall hold the common property in the following manner:
 - (i) where the tenure of the transferred land is similar to that of the common property held by the subsidiary proprietors prior to the date of the registration of the transfer of such land, the subsidiary proprietors shall hold the common property (including the transferred land) for the same term and tenure as tenants-in-common in the manner as provided in paragraph (b);

- (ii) where the tenure of the transferred land is not similar to that of the common property held by the subsidiary proprietors prior to the date of the registration of the transfer of such land, the subsidiary proprietors shall hold the entire term and tenure transferred to and accepted by the management corporation on behalf of the subsidiary proprietors as tenants-in-common in the manner as provided in paragraph (b);
- (iii) where a lot is transferred, the term and tenure of that lot which comprises the additional common property shall be held for the same term and tenure as that of the lots held by the subsidiary proprietors prior to the date of the registration of the transfer; and
- (iv) if there is a subsisting registered mortgage, charge, lease or sub-lease or any other encumbrance on the lot of a subsidiary proprietor, the undivided share or shares in the transferred land or transferred lot forming the additional common property shall be held by the subsidiary proprietor of the said lot subject to the same mortgage, charge, lease or sub-lease or any other such subsisting encumbrance.

[23/82; 37/2004; 47/2004]

(5) Any reference to a transfer or transferred land in this section shall include a lease of land referred to in subsection (1)(c).

[47/2004]

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

26.—(1) This section shall apply where 2 or more management corporations have, in accordance with section 34(5) of the Building Maintenance and Strata Management Act (Cap. 30C), passed their respective special resolutions to amalgamate their respective common properties; and the relevant management corporation shall execute an instrument of transfer.

[47/2004]

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

[47/2004]

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

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

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

- (a) the transferor management corporations shall be amalgamated into a single management corporation (referred to in this section as the transferee management corporation) which shall be responsible for all matters relating to the management of the subdivided buildings and the common property relating thereto;
- (b) all the members of the transferor management corporations shall be the members of the transferee management corporation;
- (c) all the members of the management councils of the transferor management corporations shall, until a new management council is elected for the transferee management corporation, be deemed to be the members of the management council of the transferee management corporation;
- (d) all the properties of the transferor management corporations shall be deemed to be transferred to and vested in, and all the liabilities of the transferor management corporations shall be transferred to and

become the liabilities of, the transferee management corporation; and

- (e) all legal proceedings pending by or against the transferor management corporations may be continued by or against the transferee management corporation.

(5) In this section —

“liabilities” includes duties;

“properties” includes rights and powers of every description.

Court orders affecting common property

27.—(1) Every instrument of transfer or acceptance of a transfer lodged for registration under section 36 of the Building Maintenance and Strata Management Act (Cap. 30C) shall be accompanied by a certified true copy of the order of the court made under that section directing such transfer or acceptance of a transfer, and where the approval of the competent authority is required for any subdivision and amalgamation of any land or common property, a true copy of the approval given by the competent authority shall be lodged with such instrument.

[47/2004]

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

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

[47/2004]

Limitation Act not to extend to common property

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

Unity of seisin not to affect easements, etc.

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

Share values

30.—(1) Each lot including a provisional lot (except an accessory lot) shown in a strata title plan shall have its share value determined as shown in the strata title application registered under section 9.

[37/2004]

(1A) In the case of a strata title plan comprising land and buildings in respect of which planning permission has been granted on or after 15th April 1976, each lot shown in that plan shall have the share value as shown in the schedule of strata units filed with and accepted by the Commissioner under section 11 of the Building Maintenance and Strata Management Act (Cap. 30C).

[37/2004; 47/2004]

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

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

[16/87]

Provisional lots

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

[23/82]

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

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

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

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

made under section 25 directing the management corporation concerned to accept a transfer of such part of the lot to form part of the common property.

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

(7) In this section, “assurance” shall not include any mortgage or charge or any application for vesting made under this Act.

[16/87]

Restrictions on subsidiary proprietor’s rights

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

[16/87]

PART IV

MANAGEMENT OF SUBDIVIDED BUILDING

33. to 76. [*Repealed by Act 47 of 2004*]

PART V

VARIATION OR TERMINATION OF STRATA SUBDIVISION SCHEME

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

77.—(1) Where all of the land and buildings comprised in a strata title plan is the subject of a declaration under section 5 of the Land Acquisition Act (Cap. 152), or any building comprised in a strata title plan is damaged or destroyed —

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

may make an application to the court for an order under subsection (4).

[47/2004]

(2) Notice of an application under subsection (1) shall be served, in accordance with the Rules of Court (Cap. 322, R 5), on —

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

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

(4) The court may, on an application made under subsection (1) (except in relation to land and buildings the subject of a declaration under section 5 of the Land Acquisition Act (Cap. 152)), make an order to settle a scheme for the reinstatement or continued use of the subdivided building in whole or in part.

[47/2004]

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

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

- (a) the substitution for the existing schedule of strata units of a new schedule of strata units;
 - (b) the reinstatement in whole or in part of the building;
 - (c) the transfer or vesting of the interests of subsidiary proprietors of lots which have been wholly or partly destroyed to or in the management corporation free from mortgages and charges;
 - (d) the application of any insurance moneys received by the management corporation in respect of the damage to or destruction of the subdivided building;
 - (e) the payment of moneys to or by the management corporation or the subsidiary proprietors or any one or more of them; and
 - (f) any matter in respect of which it is, in the opinion of the court, just and equitable, in the circumstances of the case, to make provision in the order.
- (7) An order made under subsection (4) shall have effect according to its tenor.
- (8) Where the court is of the opinion that an order should not be made under subsection (4), it may, upon application made by any person entitled to appear and be heard on the hearing of the application made under subsection (1) or of its own motion, direct that the application be treated as an application for an order under section 78.
- (9) Where the court makes a direction under subsection (8) —
- (a) the application, the subject of the direction, shall be deemed to be made under section 78 by a person entitled to make the application; and
 - (b) the applicant under subsection (1), as well as any other person entitled to appear and be heard under section 78, is entitled to appear and be heard on the hearing of the application.

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

[16/87]

Termination of strata subdivision scheme by court

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

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

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

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

[16/87]

(2) Notice of an application under subsection (1) shall be served, in accordance with the Rules of Court (Cap. 322, R 5), on —

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

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

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

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

- (a) the sale or disposition of any property of the management corporation;
- (b) the discharge of the liabilities of the management corporation;
- (c) the persons liable to contribute moneys required for the discharge of the liabilities of the management corporation and the proportionate liability of each such person;
- (d) the distribution of the assets of the management corporation and the proportionate entitlement of each person under that distribution;
- (e) the administration, powers, duties and functions of the management corporation;
- (f) the voting power at meetings of the management corporation of persons referred to in paragraph (c) or (d);
- (g) any matter in respect of which it is, in the opinion of the court, just and equitable, in the circumstances of the case, to make provision in the order; and
- (h) the winding up of the management corporation (including the appointment, powers, duties and functions of any person to carry out the winding up).

(6) Upon an order under this section taking effect —

- (a) the persons, who immediately before the order took effect, were subsidiary proprietors of the lots the subject of the strata title plan concerned shall cease to be subsidiary proprietors of those lots and shall be entitled to the parcel

as tenants-in-common in the shares proportional to their respective share values and for the same term and tenure as their respective lots were held by them prior to the date the order took effect;

- (b) any subsisting encumbrance registered against any of the lots referred to in paragraph (a) shall be an encumbrance on the share of the subsidiary proprietor concerned in the registered land comprising the parcel, and a memorial or notification of the encumbrance entered in the volume and folio of the land comprising the registered land shall bear the same date as the date of registration of that encumbrance against the lot;
- (c) all statutory easements implied under this Act shall cease to affect the registered land comprising the parcel or any part thereof; and
- (d) the former subsidiary proprietors shall have the power to transfer their interests and estates in the parcel or any part thereof.

(7) The provisions of an order made under this section shall have effect notwithstanding any provision of this Act, other than this section.

(8) An order made under subsection (1) shall have effect according to its tenor.

(9) Where the court is of the opinion that an order should not be made under subsection (1), it may, upon application made by any person entitled to appear and be heard on the hearing of the application made under subsection (1) or of its own motion, direct that the application be treated as an application for an order under section 77.

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

- (a) the application the subject of the direction shall be deemed to be an application made under section 77 by a person entitled to make the application; and

(b) the applicant under subsection (1), as well as any other person entitled to appear and be heard under section 77, is entitled to appear and be heard on the hearing of the application.

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

[16/87]

(11) No application shall be made under this section where the only reason for the application by the subsidiary proprietors for the sale of all the lots and common property in a strata title plan is that they —

(a) have not been able to satisfy the requirement under section 84A(1) or 84FA(2);

[Act 2 of 2012 wef 01/03/2012]

(b) have been able to satisfy the requirement under section 84A(1) or 84FA(2) but have not made an application to a Board under section 84A(1) or 84FA(2); or

[Act 2 of 2012 wef 01/03/2012]

(c) have been able to satisfy the requirement under section 84A(1) or 84FA(2) but their application for an order under section 84A or 84FA has been refused by a Board.

[21/99]

[Act 2 of 2012 wef 01/03/2012]

Interchangeability of notices

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

[16/87]

Consequences of making order under section 77 or 78

80.—(1) Upon receipt of a certified copy of an order made under section 77 or 78, the Registrar shall make appropriate entries in the subsidiary strata land-register of the effect of the order.

[16/87; 42/2005]

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

[16/87; 42/2005]

Termination of strata subdivision scheme by management corporation

81.—(1) This section shall apply where a management corporation has, in accordance with section 84 of the Building Maintenance and Strata Management Act (Cap. 30C), resolved to terminate the strata subdivision of the building.

[47/2004]

(2) A management corporation shall —

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

[42/2005]

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

(4) Upon registration of an application under subsection (2)(b) to terminate the strata subdivision, the Registrar shall cancel the relevant folios of the subsidiary strata land-register and enter a notification of the cancellation of the strata subdivision of the building and a memorial of the vesting of the parcel in the subsidiary proprietors as tenants-in-common in the relevant folio of the land-register comprising the parcel.

[42/2005]

(5) Upon the entry of that memorial —

- (a) each subsidiary proprietor shall cease to be a subsidiary proprietor of the lot, and shall be entitled to the parcel as a tenant-in-common with the other subsidiary proprietors in the shares proportional to his share value and for the same term and tenure held by him in respect of his lot;
- (b) any subsisting encumbrance registered against a lot shall be an encumbrance on the share of the subsidiary proprietor concerned in the registered land comprising the parcel, and a memorial or notification of the encumbrance entered in the volume and folio of the land-register comprising that registered land shall bear the same date as the date of registration of that encumbrance against his lot; and
- (c) all statutory easements implied under this Act shall cease to affect the registered land comprising the parcel or any part thereof.

(6) The former subsidiary proprietors may by 90% resolution direct the management corporation to transfer the parcel or any part thereof.

[46/2007]

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

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

(8) A transfer under subsection (7) shall not be accepted for registration unless accompanied by a certificate in the prescribed

form under the seal of the management corporation that the resolution was duly passed and that all necessary consents were given, in favour of a purchaser of the parcel and in favour of the Registrar, and such a certificate shall be conclusive evidence of the facts stated therein.

(9) When registered land or any part thereof is transferred by a former subsidiary proprietor or the management corporation after an application under subsection (2)(b) to terminate the strata subdivision has been lodged with the Registrar —

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

[46/2007]

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

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

(12) Until a liquidator has been appointed by the management corporation for the purpose of carrying out the winding up of the

management corporation, the council of the management corporation shall continue to perform the management corporation's business for the purpose of winding up its affairs.

(13) On a management corporation being wound up —

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

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

in the same proportion as the proportion of contributions which such former subsidiary proprietors would have been liable for in accordance with section 39(2) of the Building Maintenance and Strata Management Act (Cap. 30C).

[16/87; 47/2004; 42/2005]

Liquidators

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

[16/87]

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

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

(4) The management corporation may in general meeting convened by any former subsidiary proprietor by special resolution of which special notice has been given to all the former subsidiary proprietors,

former mortgagees, the creditors and the liquidators, remove any liquidator but no such resolution shall be effective to remove a liquidator if the court on the application of the liquidator or a creditor or a former mortgagee has ordered that the liquidator be not removed.

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

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

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

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

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

[16/87; 46/2007]

Qualifications of liquidator

83. No person shall be appointed as a liquidator of a management corporation unless he is a licensed insolvency practitioner under the Insolvency, Restructuring and Dissolution Act 2018.

[16/87; 30/2008]

[Act 40 of 2018 wef 30/07/2020]

Application to subsidiary management corporations

83A. Sections 81, 82 and 83 shall apply, with the necessary modifications, where a subsidiary management corporation has resolved to terminate its limited common property, in accordance with section 84 of the Building Maintenance and Strata Management Act (Cap. 30C).

[47/2004]

Interpretation of sections 81 and 82

84. In sections 81 and 82 —

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

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

[16/87]

PART VA

COLLECTIVE SALE OF PROPERTY

Application for collective sale of parcel by majority of subsidiary proprietors who have made conditional sale and purchase agreement

84A.—(1) An application for an order for the sale of all the lots and common property in a strata title plan may be made by —

- (a) the subsidiary proprietors of the lots with not less than 90% of the share values and not less than 90% of the total area of all the lots (excluding the area of any accessory lot) as shown in the subsidiary strata certificates of title where less than 10 years have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the strata title plan or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the strata title plan, whichever is the later; or
- (b) the subsidiary proprietors of the lots with not less than 80% of the share values and not less than 80% of the total area of all the lots (excluding the area of any accessory lot) as shown in the subsidiary strata certificates of title where 10 years or more have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the strata title plan or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the strata title plan, whichever is the later,

who have agreed in writing to sell all the lots and common property in the strata title plan to a purchaser under a sale and purchase agreement which specifies the proposed method of distributing the sale proceeds to all the subsidiary proprietors (whether in cash or kind or both), subject to an order being made under subsection (6) or (7).

[21/99; 46/2007]

[13/2010 wef 15/07/2010]

(1A) For the purposes of a collective sale under this section and before the signing of the collective sale agreement by any subsidiary proprietor —

- (a) there shall be constituted a collective sale committee to act jointly on behalf of the subsidiary proprietors of the lots whose members shall be elected by the subsidiary

proprietors of the lots at a general meeting of the management corporation convened in accordance with the Second Schedule; and

- (b) the Third Schedule shall have effect as respects the collective sale committee, its composition, constitution, members and proceedings.

[46/2007]

(2) The subsidiary proprietors referred to in subsection (1) shall appoint not more than 3 persons from the collective sale committee referred to in subsection (1A) to act jointly as their authorised representatives in connection with any application made under subsection (1).

[21/99; 46/2007]

(2A) An application under subsection (1) for an order for the sale of all the lots and common property in a strata title plan —

- (a) must be made to a Board in the first instance; and
- (b) may be made to the High Court thereafter if, and only if, a section 84A stop order is issued by the Board under subsection (6A)(b) with respect to the application to that Board in respect of the same sale.

[13/2010 wef 15/07/2010]

(2B) An application to the High Court under subsection (1) for an order for the sale of all the lots and common property in a strata title plan must be made within a period of 14 days after a section 84A stop order is issued by a Board under subsection (6A)(b) in relation to the same sale.

[13/2010 wef 15/07/2010]

(3) Subject to subsection (7C), no application may be made to a Board under subsection (1) by the subsidiary proprietors referred to in subsection (1) unless they have complied with the requirements specified in the First, Second and Third Schedules and have provided an undertaking to pay the costs of the Board under subsection (5).

[46/2007]

[13/2010 wef 15/07/2010]

(4) In the case of an application to a Board under subsection (1) for an order for the sale of all the lots and common property in a strata

title plan, each of the following persons may file an objection to the sale, stating the grounds of objection, within a period of 21 days after the date of the notice served pursuant to paragraph 1(e) of the First Schedule or such longer period as the Board allows in exceptional circumstances, whether before or after the end of the 21 days:

- (a) a subsidiary proprietor of any lot in the strata title plan who has not agreed in writing to the sale; and
- (b) a mortgagee, chargee or other person (other than a lessee) with an estate or interest in land and whose interest is notified on the land-register for that lot.

[13/2010 wef 15/07/2010]

(4A) Where a section 84A stop order is issued under subsection (6A)(b) in respect of an application to a Board under subsection (1) for an order for the sale of all the lots and common property in a strata title plan, and an application is then made to the High Court under subsection (1) for an order for the same sale of all the lots and common property in the same strata title plan, any person referred to in subsection (4)(a) or (b) who filed an objection to the Board (but no others) may re-file his objection to the sale, stating the same grounds of objection, to the High Court in the manner and within the time delimited by the Rules of Court.

[13/2010 wef 15/07/2010]

(5) The Board shall have power —

- (a) to mediate in any matter arising from an application made to it under subsection (1);

[13/2010 wef 15/07/2010]

- (aa) to summon any person whom the Board is of the view is connected or otherwise related to the sale which is the subject of the application, to attend before the Board at the time and place specified in the summons and to produce such books, documents or other records in the person's custody or control which the person is required by the summons to produce;

[13/2010 wef 15/07/2010]

- (b) to call for a valuation report or other report and to require the subsidiary proprietors referred to in subsection (1) to pay for the costs; and
- (c) to impose such conditions as it may think fair and reasonable in approving an application made to it under subsection (1).

[21/99; 46/2007]

[13/2010 wef 15/07/2010]

(5A) Where an application is made under subsection (1) to the High Court in the circumstances described in subsection (2A)(b), the High Court shall, without prejudice to such other powers it may have under law, have power —

- (a) to summon any person whom the Court is of the view is connected or otherwise related to the sale which is the subject of the application, to attend before the Court at the time and place specified in the summons and to produce such books, documents or other records in the person's custody or control which the person is required by the summons to produce;
- (b) to call for a valuation report or other report and to require the subsidiary proprietors referred to in subsection (1) to pay for the costs; and
- (c) to impose such conditions as it may think fair and reasonable in approving the application.

[13/2010 wef 15/07/2010]

(6) Where an application has been made under subsection (1) to a Board and no objection has been filed under subsection (4), the Board shall, subject to subsection (9), approve the application and order that the lots and common property in the strata title plan be sold.

[21/99]

[13/2010 wef 15/07/2010]

(6A) Where an application is made under subsection (1) to a Board, and one or more objections have been filed under subsection (4) in relation to that application —

- (a) the Board shall mediate matters that are in dispute between the objectors and the applicants to achieve a resolution of the dispute; and
- (b) if —
 - (i) at the end of a period of 60 days starting from the first day set aside for mediation; or
 - (ii) mediation has proceeded as far as it reasonably can in an attempt to achieve a resolution of the dispute but has nevertheless failed to resolve the dispute,

whichever first occurs, one or more of those objections are not withdrawn, the Board shall, subject to subsection (6B), order a discontinuance of all proceedings before it in connection with that application (referred to in this section as a section 84A stop order).

[13/2010 wef 15/07/2010]

(6B) No section 84A stop order shall be made by a Board under subsection (6A)(b) with respect to an application made to it under subsection (1) unless —

- (a) the Board has, by notice served on every objector who filed an objection under subsection (4) in relation to that application and the authorised representatives of the applicants, informed the objector and authorised representatives of its intention to make a section 84A stop order; and
- (b) at the end of a period of 7 days after the notice under paragraph (a) is so served, one or more of those objections so filed are not withdrawn.

[13/2010 wef 15/07/2010]

(7) Where one or more objections have been filed under subsection (4A) in respect of an application under subsection (1) to the High Court, the High Court shall, subject to subsection (9), approve the application and order that all the lots and common property in the strata title plan be sold unless, having regard to the objections, the High Court is satisfied that —

- (a) any objector, being a subsidiary proprietor, will incur a financial loss; or
- (b) the proceeds of sale for any lot to be received by any objector, being a subsidiary proprietor, mortgagee or chargee, are insufficient to redeem any mortgage or charge in respect of the lot.

[13/2010 wef 15/07/2010]

(7A) An order made under subsection (7) by the High Court may, with the consent of the collective sale committee, include an order that the proceeds of sale for any lot to be received by an objector, being a subsidiary proprietor who has filed an objection under subsection (4A), be increased if the High Court is satisfied that it would be just and equitable to do so.

[46/2007]

[13/2010 wef 15/07/2010]

(7B) The total sum ordered by the High Court for all the objectors under subsection (7A) shall be paid from the proceeds of sale of all the subsidiary proprietors and shall not exceed the aggregate sum of 0.25% of the proceeds of sale for each lot or \$2,000 for each lot, whichever is the higher.

[46/2007]

[13/2010 wef 15/07/2010]

(7C) A Board shall not invalidate an application to the Board for an order under subsection (1) or section 84D(2), 84E(3) or 84FA(2) by reason only of non-compliance with any requirement in the First, Second or Third Schedule if the Board is satisfied that such non-compliance does not prejudice the interest of any person, and the Board may make such order as may be necessary to rectify the non-compliance and such order for costs.

[46/2007; 30/2008]

- (8) For the purposes of subsection (7)(a), a subsidiary proprietor —
 - (a) shall be taken to have incurred a financial loss if the proceeds of sale for his lot, after such deduction as the High Court may allow (including all or any of the deductions specified in the Fourth Schedule), are less than the price he paid for his lot;

- (b) shall not be taken to have incurred a financial loss by reason only that his net gain from the sale of his lot will be less than the other subsidiary proprietors; and
- (c) shall not be taken to have incurred a financial loss by reason that the proceeds of sale for his lot, after such deduction as the High Court may allow (including all or any of the deductions specified in the Fourth Schedule), are less than the price he paid for his lot if he had purchased the lot after a collective sale committee had signed a sale and purchase agreement to sell all the lots and common property to a purchaser.

[21/99; 46/2007]

[13/2010 wef 15/07/2010]

(9) The High Court or a Board shall not approve an application made under subsection (1) —

- (a) if the High Court or Board, as the case may be, is satisfied that —
 - (i) the transaction is not in good faith after taking into account only the following factors:
 - (A) the sale price for the lots and the common property in the strata title plan;
 - (B) the method of distributing the proceeds of sale; and
 - (C) the relationship of the purchaser to any of the subsidiary proprietors; or
 - (ii) the sale and purchase agreement would require any subsidiary proprietor who has not agreed in writing to the sale to be a party to any arrangement for the development of the lots and the common property in the strata title plan; or
- (b) if the collective sale committee does not consent to any order made by the High Court under subsection (7A).

[46/2007]

[13/2010 wef 15/07/2010]

(10) Where no objection has been filed under subsection (4) to a Board or under subsection (4A) to the High Court, the determination under subsection (9) shall be made by the High Court or the Board on the basis of the facts available to the High Court or Board, as the case may be.

[13/2010 wef 15/07/2010]

(11) The High Court or a Board may make all such other orders and give such directions as may be necessary or expedient to give effect to any order made under subsection (6) or (7) for the sale of all the lots and common property in a strata title plan, including but not limited to a direction apportioning all reasonable costs and expenses incurred in connection with the sale that is the subject of an order under subsection (6) or (7) to be borne by all or any subsidiary proprietors of the lots in the strata title plan, whether or not they are objectors.

[13/2010 wef 15/07/2010]

(11A) Any order or direction made by a Strata Titles Board before the date of commencement of section 2(*q*) of the Land Titles (Strata) (Amendment) Act 2010 apportioning among all or any subsidiary proprietors of the lots in a strata title plan or development, whether or not they are objectors, all reasonable costs and expenses incurred in connection with a sale that is the subject of an order under subsection (6) or (7) shall be deemed to have been validly made in accordance with subsection (11) as if subsection (11) had been in force on that date.

[13/2010 wef 15/07/2010]

(12) The High Court or a Board may, at any time it thinks fit, extend, vary, revoke or discharge any order made under this section, and may vary any term or condition upon or subject to which any such order has been made.

[21/99]

[13/2010 wef 15/07/2010]

(13) A notice sent by registered post under the First Schedule shall be deemed to be duly served on the person to whom it is addressed 2 days after the day on which the notice was posted, notwithstanding the fact that the letter may be returned by the post office as undelivered.

[21/99; 47/2004; 46/2007]

(14) The Minister may, by order published in the *Gazette*, amend or add to the First, Second, Third and Fourth Schedules.

[21/99; 47/2004; 46/2007]

(15) In this section, “subsidiary proprietor” includes a successor in title.

[21/99]

Effect of order of High Court or Board

84B.—(1) Where the High Court or a Board has made an order under section 84A(6), (7) or (11) —

- (a) the order shall bind all the subsidiary proprietors of the lots in the strata title plan, their successors in title and assigns and any mortgagee, chargee or other person with an estate or interest in land;
- (b) the subsidiary proprietors of the lots shall sell the lots and common property in accordance with the sale and purchase agreement; and
- (c) a lease affecting any of the lots in the strata title plan (other than a lease held by a subsidiary proprietor) shall, if there is no earlier agreed date, determine on the date on which vacant possession is to be given to the purchaser of the lots and common property.

[21/99]

[13/2010 wef 15/07/2010]

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

[21/99]

(3) [*Deleted by Act 13/2010 wef 15/07/2010*]

(4) The subsidiary proprietors of the lots who have not agreed in writing to the sale under section 84A and any mortgagee, chargee or other person with an estate or interest in those lots shall, for the purposes of the sale of the lots and common property, produce the subsidiary strata certificates of title for the lots to the person having conduct of the sale, the representatives appointed under section 84A(2) or to their solicitors.

[21/99; 46/2007]

Power of High Court or Board to appoint person to act for certain subsidiary proprietor

84C.—(1) Where the High Court or a Board has made an order under section 84A(6), (7) or (11), the High Court or the president, deputy president or registrar of the Board, as the case may be, may, on application by the representatives of the subsidiary proprietors appointed under section 84A(2), appoint any person to deal with all matters in connection with the sale of any lot —

- (a) where the subsidiary proprietor of the lot has died and no personal representative has been appointed; or
- (b) in such other case as the High Court or the president, deputy president or registrar of the Board, as the case may be, thinks fit.

[21/99; 46/2007]

[13/2010 wef 15/07/2010]

(2) The High Court or the president, deputy president or registrar of the Board, as the case may be, may authorise the person appointed under subsection (1) to act for the subsidiary proprietor concerned in all aspects of the sale, including the redemption of mortgages and charges, the execution of the transfer, the receipt of moneys, the settlement of encumbrances on the lot, applying for a replacement subsidiary strata certificate of title, giving valid receipts thereof and as soon as practicable paying the remaining moneys into court under section 62 of the Trustees Act (Cap. 337).

[21/99; 46/2007]

[13/2010 wef 15/07/2010]

(3) The execution of any instrument in respect of any lot by the person appointed under subsection (1) shall have the same force and validity as if it had been executed by the subsidiary proprietor in whom the lot is vested.

[21/99]

(4) When the transfers of the lots in the strata title plan are lodged for registration under this Act, the authorised representatives or the solicitor acting for the subsidiary proprietors or the person appointed under subsection (1) shall certify in such form as the Registrar may approve that the provisions of section 84A have been complied with;

and the certificate in favour of the purchaser of the lots and common property and the Registrar shall be conclusive evidence of the facts stated therein.

[21/99]

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

84D.—(1) This section shall apply where there are subsisting leases of flats in a development registered under the Registration of Deeds Act (Cap. 269) or the Land Titles Act (Cap. 157) and the proprietors of the flats own the land comprised in the development.

[21/99]

(2) An application for an order for the sale of all the flats and the land in a development to which this section applies may be made by —

- (a) the proprietors of the flats who own not less than 90% share of the land and not less than 90% of the total area of all the flats where less than 10 years have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the development, whichever is the later; or
- (b) the proprietors of the flats who own not less than 80% share of the land and not less than 80% of the total area of all the flats where 10 years or more have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the development, whichever is the later,

who have agreed in writing to sell all the flats and the land in the development to a purchaser under a sale and purchase agreement which specifies the proposed method of distributing the sale proceeds to all the proprietors of the flats (whether in cash or kind or both), subject to an order being made under subsection (4) or (5).

[21/99; 46/2007]

[13/2010 wef 15/07/2010]

(2A) An application under subsection (2) for an order for the sale of all the flats and the land in a development to which this section applies —

- (a) must be made to a Board in the first instance; and
- (b) may be made to the High Court thereafter if, and only if, a section 84D stop order is issued by the Board under subsection (4A)(b) with respect to the application to that Board in respect of the same sale.

[13/2010 wef 15/07/2010]

(2B) An application to the High Court under subsection (2) for an order for the sale of all the flats and the land in a development to which this section applies must be made within a period of 14 days after a section 84D stop order is issued by a Board under subsection (4A)(b) in relation to the same sale.

[13/2010 wef 15/07/2010]

(3) In the case of an application to a Board under subsection (2) for an order for the sale of all the flats and the land in a development to which this section applies, each of the following persons may file an objection to the sale, stating the grounds for the objection, within a period of 21 days after the date of the notice served pursuant to paragraph 1(e) of the First Schedule or such longer period as the Board allows in exceptional circumstances, whether before or after the end of the 21 days:

- (a) a proprietor of any flat in the development who has not agreed in writing to the sale; and
- (b) a mortgagee, chargee or other person (other than a lessee) with an estate or interest in the flat and whose interest is notified on the land-register for that flat.

[13/2010 wef 15/07/2010]

(3A) Where a section 84D stop order is issued under subsection (4A)(b) in respect of an application to a Board under subsection (2) for an order for the sale of all the flats and the land in a development to which this section applies, and an application is made to the High Court under subsection (2) for an order for the same sale of all the flats and the land in the same development, any person referred to in subsection (3)(a) or (b) who filed an objection to the Board (but no others) may re-file his objection to the sale, stating the same grounds of objection, to the High Court in the manner and within the time delimited by the Rules of Court.

[13/2010 wef 15/07/2010]

(4) Where an application has been made to a Board under subsection (2) and no objection has been filed under subsection (3), the Board shall, subject to subsection (7), approve the application and order that the flats and the land in the development be sold.

[21/99]

[13/2010 wef 15/07/2010]

(4A) Where an application is made under subsection (2) to a Board, and one or more objections have been filed under subsection (3) in relation to that application —

(a) the Board shall mediate matters that are in dispute between the objectors and the applicants to achieve a resolution of the dispute; and

(b) if —

(i) at the end of a period of 60 days starting from the first day set aside for mediation; or

(ii) mediation has proceeded as far as it reasonably can in an attempt to achieve a resolution of the dispute but has nevertheless failed to resolve the dispute,

whichever first occurs, one or more of those objections are not withdrawn, the Board shall, subject to subsection (4B), order a discontinuance of all proceedings before it in connection with that application (referred to in this section as a section 84D stop order).

[13/2010 wef 15/07/2010]

(4B) No section 84D stop order shall be made by a Board under subsection (4A)(b) with respect to an application made to it under subsection (2) unless —

- (a) the Board has, by notice served on every objector who filed an objection under subsection (3) in relation to that application and the authorised representatives of the applicants, informed the objector and authorised representatives of its intention to make a section 84D stop order; and
- (b) at the end of a period of 7 days after the notice under paragraph (a) is so served, one or more of those objections so filed are not withdrawn.

[13/2010 wef 15/07/2010]

(5) Where one or more objections have been filed under subsection (3A) in respect of an application to the High Court under subsection (2), the High Court shall, subject to subsection (7), approve the application and order that the flats and the land in the development be sold unless, having regard to the objections, the High Court is satisfied that —

- (a) any objector, being a proprietor, will incur a financial loss;
or
- (b) the proceeds of sale for any flat to be received by any objector, being a proprietor, mortgagee or chargee, are insufficient to redeem any mortgage or charge in respect of the flat.

[13/2010 wef 15/07/2010]

(5A) An order made under subsection (5) by the High Court may, with the consent of the collective sale committee, include an order that the proceeds of sale for any flat to be received by an objector, being a proprietor who has filed an objection under subsection (3A), be increased if the High Court is satisfied that it would be just and equitable to do so.

[46/2007]

[13/2010 wef 15/07/2010]

(5B) The total sum ordered by the High Court for all the objectors under subsection (5A) shall be paid from the proceeds of sale of all

the proprietors and shall not exceed the aggregate sum of 0.25% of the proceeds of sale for each flat or \$2,000 for each flat, whichever is the higher.

[46/2007]

[13/2010 wef 15/07/2010]

(6) For the purposes of subsection (5)(a), a proprietor —

- (a) shall be taken to have incurred a financial loss if the proceeds of sale for his flat, after any deduction allowed by the High Court, are less than the price he paid for his flat;
- (b) shall not be taken to have incurred a financial loss by reason only that his net gain from the sale of his flat will be less than the other proprietors.

[21/99]

[13/2010 wef 15/07/2010]

(7) The High Court or a Board shall not approve an application made under subsection (2) —

- (a) if the High Court or Board, as the case may be, is satisfied that —
 - (i) the transaction is not in good faith after taking into account only the following factors:
 - (A) the sale price for the flats and the land in the development;
 - (B) the method of distributing the proceeds of sale; and
 - (C) the relationship of the purchaser to any of the proprietors; or
 - (ii) the sale and purchase agreement would require any proprietor who has not agreed in writing to the sale to be a party to any arrangement for the development of the flats and the land in the development; or
- (b) if the collective sale committee does not consent to any order made by the High Court under subsection (5A).

[46/2007]

[13/2010 wef 15/07/2010]

(8) Where no objection has been filed under subsection (3) to a Board or under subsection (3A) to the High Court, the determination under subsection (7) shall be made by the High Court or the Board on the basis of the facts available to the High Court or Board, as the case may be.

[13/2010 wef 15/07/2010]

(9) Sections 84A(1A), (2), (3), (5), (5A), (7C), (8)(a), (b) and (c), (11), (11A), (12) and (13), 84B and 84C and the Second and Third Schedules shall apply, with the necessary modifications, to any application or order made under this section.

[21/99; 46/2007]

[13/2010 wef 15/07/2010]

[Act 2 of 2012 wef 01/03/2012]

(9A) In the application of section 84A(1A) and the Second and Third Schedules to any development to which this section applies, any reference to a management corporation shall be read as a reference to the proprietors of the flats.

[46/2007]

(10) In this section —

“development” means any parcel of land with one or more buildings where the parcel is owned by the proprietors of the flats;

“proprietor” includes a successor in title.

[21/99]

Application for collective sale where proprietors of flats own leasehold tenure of at least 850 years or other tenure in flats not registered under this Act but do not own land

84E.—(1) This section shall apply where there are subsisting leases of flats in a development registered under the Registration of Deeds Act (Cap. 269) or the Land Titles Act (Cap. 157) for a leasehold tenure of 850 years or more or for such other tenure as the Minister may, by notification in the *Gazette*, specify and where the proprietors of the flats do not own the land comprised in the development.

[21/99; 46/2007]

(2) The proprietors of 25% of the flats to which this section applies may apply to the Registrar for notional shares in the land to be

assigned to each of the flats based on the method used by the Commissioner for the allocation of share values.

(3) An application for an order for the sale of all the flats and the land in a development to which this section applies may be made by —

- (a) the proprietors of the flats who own not less than 90% notional share of the land and not less than 90% of the total area of all the flats where less than 10 years have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the development, whichever is the later; or
- (b) the proprietors of the flats who own not less than 80% of notional share of the land and not less than 80% of the total area of all the flats where 10 years or more have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the development, whichever is the later,

who have agreed in writing to sell all the flats in the development to a purchaser under a sale and purchase agreement which specifies the proposed method of distributing the sale proceeds to all the proprietors of the flats (whether in cash or kind or both), subject to an order being made under subsection (6) or (7).

[21/99; 46/2007]

[13/2010 wef 15/07/2010]

(3A) An application under subsection (3) for an order for the sale of all the flats and the land in a development to which this section applies —

- (a) must be made to a Board in the first instance; and
- (b) may be made to the High Court thereafter if, and only if, a section 84E stop order is issued by the Board under subsection (6A)(b) with respect to the application to that Board in respect of the same sale.

[13/2010 wef 15/07/2010]

(3B) An application to the High Court under subsection (3) for an order for the sale of all the flats and the land in a development to which this section applies must be made within a period of 14 days after a section 84E stop order is issued by a Board under subsection (6A)(b) in relation to the same sale.

[13/2010 wef 15/07/2010]

(4) The proprietors of the flats referred to in subsection (3) shall also serve a copy of the notice to be served pursuant to the First Schedule on the proprietor of the land and every mortgagee, chargee or other person with an estate or interest in the land and whose interest is notified on the land-register for that land.

[21/99; 47/2004; 46/2007]

(5) In the case of an application to a Board under subsection (3) for an order for the sale of all the flats and the land in a development to which this section applies, each of the following persons may file an objection to the sale, stating the grounds of objection, within a period of 21 days after the date of the notice served pursuant to paragraph 1(e) of the First Schedule or such longer period as the Board allows in exceptional circumstances, whether before or after the end of the 21 days:

- (a) a proprietor of any flat in the development who has not agreed in writing to the sale; and
- (b) a mortgagee, chargee or other person (other than a lessee) with an estate or interest in the flat and whose interest is notified on the land-register for that flat.

[13/2010 wef 15/07/2010]

(5A) Where a section 84E stop order is issued under subsection (6A)(b) in respect of an application to a Board under subsection (3) for an order for the sale of all the flats and the land in a development to which this section applies, and an application is made to the High Court under subsection (3) for an order for the same sale of all the flats and the land in the same development, any person referred to in subsection (5)(a) or (b) who filed an objection to the Board (but no others) may re-file his objection to the sale, stating the same grounds of objection, to the High Court in the manner and within the time delimited by the Rules of Court.

[13/2010 wef 15/07/2010]

(6) Where an application has been made to a Board under subsection (3) and no objection has been filed under subsection (5), the Board shall, subject to subsection (9), approve the application and order that the flats and the land in the development be sold.

[21/99]

[13/2010 wef 15/07/2010]

(6A) Where an application is made under subsection (3) to a Board, and one or more objections have been filed under subsection (5) in relation to that application —

(a) the Board shall mediate matters that are in dispute between the objectors and the applicants to achieve a resolution of the dispute; and

(b) if —

(i) at the end of a period of 60 days starting from the first day set aside for mediation; or

(ii) mediation has proceeded as far as it reasonably can in an attempt to achieve a resolution of the dispute but has nevertheless failed to resolve the dispute,

whichever first occurs, one or more of those objections are not withdrawn, the Board shall, subject to subsection (6B), order a discontinuance of all proceedings before it in connection with that application (referred to in this section as a section 84E stop order).

[13/2010 wef 15/07/2010]

(6B) No section 84E stop order shall be made by a Board under subsection (6A)(b) with respect to an application made to it under subsection (3) unless —

- (a) the Board has, by notice served on every objector who filed an objection under subsection (5) in relation to that application and the authorised representatives of the applicants, informed the objector and authorised representatives of its intention to make a section 84E stop order; and
- (b) at the end of a period of 7 days after the notice under paragraph (a) is so served, one or more of those objections so filed are not withdrawn.

[13/2010 wef 15/07/2010]

(7) Where one or more objections have been filed under subsection (5A) in respect of an application to the High Court under subsection (3), the High Court shall, subject to subsection (9), approve the application and order that all the flats and the land in the development be sold unless, having regard to the objections, the High Court is satisfied that —

- (a) any objector, being a proprietor, will incur a financial loss;
or
- (b) the proceeds of sale for any flat to be received by any objector, being a proprietor, mortgagee or chargee, are insufficient to redeem any mortgage or charge in respect of the flat.

[13/2010 wef 15/07/2010]

(7A) An order made under subsection (7) by the High Court may, with the consent of the collective sale committee, include an order that the proceeds of sale for any flat to be received by an objector, being a proprietor who has filed an objection under subsection (5), be increased if the High Court is satisfied that it would be just and equitable to do so.

[46/2007]

[13/2010 wef 15/07/2010]

(7B) The total sum ordered by the High Court for all the objectors under subsection (7A) shall be paid from the proceeds of sale of all

the proprietors and shall not exceed the aggregate sum of 0.25% of the proceeds of sale for each flat or \$2,000 for each flat, whichever is the higher.

[46/2007]

[13/2010 wef 15/07/2010]

(8) For the purposes of subsection (7)(a), a proprietor —

- (a) shall be taken to have incurred a financial loss if the proceeds of sale for his flat, after any deduction allowed by the High Court, are less than the price he paid for his flat;
- (b) shall not be taken to have incurred a financial loss by reason only that his net gain from the sale of his flat will be less than the other proprietors.

[21/99]

[13/2010 wef 15/07/2010]

(9) The High Court or a Board shall not approve an application made under subsection (3) —

- (a) if the High Court or Board, as the case may be, is satisfied that —
 - (i) the transaction is not in good faith after taking into account only the following factors:
 - (A) the sale price for the flats and the land in the development;
 - (B) the method of distributing the proceeds of sale; and
 - (C) the relationship of the purchaser to any of the proprietors; or
 - (ii) the sale and purchase agreement would require any proprietor who has not agreed in writing to the sale to be a party to any arrangement for the development of the flats and the land in the development; or
- (b) if the collective sale committee does not consent to any order made by the High Court under subsection (7A).

[46/2007]

[13/2010 wef 15/07/2010]

(10) Where no objection has been filed under subsection (5) to a Board or under subsection (5A) to the High Court, the determination under subsection (9) shall be made by the High Court or the Board on the basis of the facts available to the High Court or Board, as the case may be.

[13/2010 wef 15/07/2010]

(11) Where the High Court or a Board, as the case may be, has made an order for the sale of the flats and the land, the proprietor of the land shall be deemed to have transferred his estate and interest in the land to the purchaser without consideration upon the registration by the Registrar of the transfers of all the flats (except the flats deemed to be owned by the proprietor under subsection (14)) in the development and the Registrar shall enter a notification of the vesting of the land in the purchaser on the land-register.

[21/99]

[13/2010 wef 15/07/2010]

(12) The proprietors of the flats who have not agreed in writing to the sale, the proprietor of the land, a mortgagee, chargee or other person with an estate or interest in land, where applicable, shall produce the title deeds for the flats or the land to the person having conduct of the sale, the representatives appointed under section 84A(2) or to their solicitors.

[21/99]

(13) If the title deeds for the flats or the land are not produced under subsection (12), the person having conduct of the sale shall not be required to produce to the purchaser any title deed other than a certified true copy of the title deed or a subsidiary certificate of title.

[21/99]

(14) Where the proprietor of the land in a development referred to in subsection (1) has granted leases for some but not all the flats in the development, he shall be deemed to be the proprietor of the flats which are still owned by him.

[21/99]

(14A) Upon registration by the Registrar of the transfers of all the flats (except the flats deemed to be owned by the proprietor under subsection (14)) in the development —

- (a) the proprietor of the land shall be deemed to have transferred his estate and interest in the flats which are still owned by him to the purchaser; and
- (b) the Registrar shall enter a notification of the vesting of such flats in the purchaser on the land-register.

[46/2007]

(14B) The Registrar may dispense with production of the certificate of title for the land for the purposes of subsections (11) and (14A).

[46/2007]

(15) Sections 84A(1A), (2), (3), (5), (5A), (7C), (8)(a), (b) and (c), (11), (11A), (12) and (13), 84B and 84C and the Second and Third Schedules shall apply, with the necessary modifications, to any application or order made under this section.

[21/99; 46/2007]

[13/2010 wef 15/07/2010]

[Act 2 of 2012 wef 01/03/2012]

(15A) In the application of section 84A(1A) and the Second and Third Schedules to any development to which this section applies, any reference to a management corporation shall be read as a reference to the proprietors of the flats.

[46/2007]

(16) In this section —

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

“proprietor” includes a successor in title.

[21/99]

Collective sale by all proprietors of flats who own leasehold tenure of at least 850 years or other tenure in flats not registered under this Act but do not own land

84F.—(1) This section shall apply where there are subsisting leases of flats registered under the Registration of Deeds Act (Cap. 269) or the Land Titles Act (Cap. 157) for a leasehold tenure of 850 years or more or for such other tenure as the Minister may, by notification in

the *Gazette*, specify and where the proprietors of the flats do not own the land comprised in the development.

[21/99; 46/2007]

(2) Where the proprietors of all the flats in a development to which this section applies agree in writing under a sale and purchase agreement to sell all their flats to a purchaser (whether in cash or kind or both), they shall serve a notice on the proprietor of the land and every mortgagee, chargee or other person with an estate or interest in the land and whose interest is notified on the land-register at least 21 days before the date of the first transfer of any such flat informing them of the transfer under subsection (4).

[21/99]

(3) Notice under subsection (2) shall be given by —

- (a) advertising the proposed sale in such local newspapers in the 4 official languages as approved by the Registrar;
- (b) serving the notice on the proprietor of the land and every mortgagee, chargee or other person with an estate or interest in the land and whose interest is notified on the land-register by registered post; and
- (c) affixing a copy of the notice in the 4 official languages to a conspicuous part of each building in the development.

[21/99]

(4) The proprietor of the land referred to in subsection (2) shall be deemed to have transferred his estate and interest in the land to the purchaser without consideration upon the registration by the Registrar of the transfers of all the flats in the development and the Registrar shall enter a notification of the vesting of the land in the purchaser on the land-register.

[21/99]

(5) A notice sent by registered post under this section to a proprietor of the land, his mortgagee, chargee or other person with an estate or interest in the land and whose interest is notified on the land-register at its last registered address in the case of a company registered under the Companies Act (Cap. 50) or otherwise at its last recorded address at the Land Titles Registry or the Registry of Deeds, as the case may be, shall be deemed to be duly served on the person to whom it is addressed 2 days after the day on which the notice was posted,

notwithstanding the fact that the letter may be returned by the post office as undelivered.

[21/99; 46/2007]

(6) When the transfers of the flats to which this section applies are lodged for registration with the Registrar, the solicitors acting for the proprietors of the flats shall certify in such form as the Registrar may determine that the provisions of this section have been complied with, and the certificate in favour of the purchaser and the Registrar shall be conclusive evidence of the facts stated therein.

[21/99]

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

[21/99; 46/2007; 30/2008]

Application for collective sale of parcel by majority of subsidiary proprietors who own registered leasehold tenure of at least 850 years or other tenure

84FA.—(1) This section shall apply where there are subsisting leases registered under the Land Titles Act (Cap. 157) of all or some of the lots in a strata title plan for a leasehold tenure of 850 years or more or for such other tenure as the Minister may, by notification in the *Gazette*, specify.

[46/2007]

(2) An application for an order for the sale of all the lots and common property in a strata title plan to which this section applies may be made by —

- (a) the subsidiary proprietors of the lots with not less than 90% of the share values and not less than 90% of the total area of all the lots (excluding the area of any accessory lot) as shown in the subsidiary strata certificates of title where less than 10 years have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the strata title plan or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any

common property) comprised in the strata title plan, whichever is the later; or

- (b) the subsidiary proprietors of the lots with not less than 80% of the share values and not less than 80% of the total area of all the lots (excluding the area of any accessory lot) as shown in the subsidiary strata certificates of title where 10 years or more have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the strata title plan or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the strata title plan, whichever is the later,

who have agreed in writing to sell all the lots and common property in the strata title plan to a purchaser under a sale and purchase agreement which specifies the proposed method of distributing the sale proceeds to all the subsidiary proprietors (whether in cash or kind or both), subject to an order being made under subsection (5) or (6).

[46/2007]

[13/2010 wef 15/07/2010]

(2A) An application under subsection (2) for an order for the sale of all the lots and common property in a strata title plan to which this section applies —

- (a) must be made to a Board in the first instance; and
- (b) may be made to the High Court thereafter if, and only if, a section 84FA stop order is issued by the Board under subsection (5A)(b) with respect to the application to that Board in respect of the same sale.

[13/2010 wef 15/07/2010]

(2B) An application to the High Court under subsection (2) for an order for the sale of all the lots and common property in a development to which this section applies must be made within a period of 14 days after a section 84FA stop order is issued by a Board under subsection (5A)(b) in relation to the same sale.

[13/2010 wef 15/07/2010]

(3) The subsidiary proprietors of the lots referred to in subsection (2) shall also serve on the subsidiary proprietor in reversion of the leasehold estate and every mortgagee, chargee or other person with an estate or interest in land and whose interest is notified on the subsidiary strata land-register for the lots, a copy of all notices to be served pursuant to the First Schedule.

[46/2007]

(4) In the case of an application to a Board under subsection (2) for an order for the sale of all the lots and the common property in a strata title plan to which this section applies, each of the following persons may file an objection to the sale, stating the grounds of objection, within a period of 21 days after the date of the notice served pursuant to paragraph 1(e) of the First Schedule or such longer period as the Board allows in exceptional circumstances, whether before or after the end of the 21 days:

- (a) a subsidiary proprietor of any lot in the strata title plan who has not agreed in writing to the sale; and
- (b) a mortgagee, chargee or other person (other than a lessee) with an estate or interest in the land and whose interest is notified on the subsidiary strata land-register for that lot.

[13/2010 wef 15/07/2010]

(4A) Where a section 84FA stop order is issued under subsection (5A)(b) in respect of an application to a Board under subsection (2) for an order for the sale of all the lots and the common property in a strata title plan to which this section applies, and an application is made to the High Court under subsection (2) for an order for the same sale of all the lots and the common property in the same strata title plan, any person referred to in subsection (4)(a) or (b) who filed an objection to the Board (but no others) may re-file his objection to the sale, stating the same grounds of objection, to the High Court in the manner and within the time delimited by the Rules of Court.

[13/2010 wef 15/07/2010]

(5) Where an application has been made to a Board under subsection (2) and no objection has been filed under subsection (4), the Board shall, subject to subsection (9), approve

the application and order that the lots and common property in the strata title plan be sold.

[46/2007]

[13/2010 wef 15/07/2010]

(5A) Where an application is made under subsection (2) to a Board, and one or more objections have been filed under subsection (4) in relation to that application —

- (a) the Board shall mediate matters that are in dispute between the objectors and the applicants to achieve a resolution of the dispute; and
- (b) if —
 - (i) at the end of a period of 60 days starting from the first day set aside for mediation; or
 - (ii) mediation has proceeded as far as it reasonably can in an attempt to achieve resolution of the dispute but has nevertheless failed to resolve the dispute,

whichever first occurs, one or more of those objections are not withdrawn, the Board shall, subject to subsection (5B), order a discontinuance of all proceedings before it in connection with that application (referred to in this section as a section 84FA stop order).

[13/2010 wef 15/07/2010]

(5B) No section 84FA stop order shall be made by a Board under subsection (5A)(b) with respect to an application made to it under subsection (2) unless —

- (a) the Board has, by notice served on every objector who filed an objection under subsection (4) in relation to that application and the authorised representatives of the applicants, informed the objector and authorised representatives of its intention to make a section 84FA stop order; and
- (b) at the end of a period of 7 days after the notice under paragraph (a) is so served, one or more of those objections so filed are not withdrawn.

[13/2010 wef 15/07/2010]

(6) Where one or more objections have been filed under subsection (4A) in respect of an application to the High Court under subsection (2), the High Court shall, subject to subsection (9), approve the application and order that the lots and common property be sold unless, having regard to the objections, the High Court is satisfied that —

- (a) any objector, being a subsidiary proprietor, will incur a financial loss; or
- (b) the proceeds of sale for any lot to be received by any objector, being a subsidiary proprietor, mortgagee or chargee, are insufficient to redeem any mortgage or charge in respect of the lot.

[13/2010 wef 15/07/2010]

(7) An order made under subsection (6) by the High Court may, with the consent of the collective sale committee, include an order that the proceeds of sale for any lot to be received by an objector, being a subsidiary proprietor who has filed an objection under subsection (4A), be increased if the High Court is satisfied that it would be just and equitable to do so.

[46/2007]

[13/2010 wef 15/07/2010]

(8) The total sum ordered by the High Court for all the objectors under subsection (7) shall be paid from the proceeds of sale of all the subsidiary proprietors and shall not exceed the aggregate sum of 0.25% of the proceeds of sale for each lot or \$2,000 for each lot, whichever is the higher.

[46/2007]

[13/2010 wef 15/07/2010]

(9) The High Court or a Board shall not approve an application made under subsection (2) —

- (a) if the High Court or Board, as the case may be, is satisfied that —
 - (i) the transaction is not in good faith after taking into account only the following factors:
 - (A) the sale price for the lots and the common property in the strata title plan;

- (B) the method of distributing the proceeds of sale; and
 - (C) the relationship of the purchaser to any of the subsidiary proprietors; or
- (ii) the sale and purchase agreement would require any subsidiary proprietor who has not agreed in writing to the sale to be a party to any arrangement for the development of the lots and the common property in the strata title plan; or
- (b) if the collective sale committee does not consent to any order made by the High Court under subsection (7).

[46/2007]

[13/2010 wef 15/07/2010]

(10) Where no objection has been filed under subsection (4) to a Board or under subsection (4A) to the High Court, the determination under subsection (9) shall be made by the High Court or the Board on the basis of the facts available to the High Court or Board, as the case may be.

[13/2010 wef 15/07/2010]

(11) Where the High Court or a Board, as the case may be, has made an order for the sale of the lots and the common property in the strata title plan —

- (a) the subsidiary proprietor in reversion of the leasehold estate shall be deemed to have transferred his estate and interest in the lots to the purchaser without consideration upon the registration by the Registrar of the transfers of all the lots (except the lots still owned by the subsidiary proprietor in reversion under subsection (14)) in the strata title plan; and
- (b) the Registrar shall enter a notification of the vesting of the reversionary interest in the purchaser on the subsidiary strata land-register and cancel the registration of any

mortgage, charge or lease notified on the subsidiary strata land-register.

[46/2007]

[13/2010 wef 15/07/2010]

[Act 2 of 2012 wef 01/03/2012]

(12) The subsidiary proprietors of the lots who have not agreed in writing to the sale, the subsidiary proprietor in reversion and any mortgagee, chargee or other person with an estate or interest in those lots, where applicable, shall produce the subsidiary strata certificates of title for the lots to the person having conduct of the sale, the representatives appointed under section 84A(2) or to their solicitors.

[46/2007]

(13) If the subsidiary strata certificates of title for the lots are not produced under subsection (12), the person having conduct of the sale shall not be required to produce to the purchaser any subsidiary strata certificate of title other than a certified true copy thereof.

[46/2007]

(14) Where the subsidiary proprietor in reversion has granted leases for some but not all the lots in the strata title plan, he shall be deemed to have transferred his estate and interest in the lots still owned by him to the purchaser upon registration by the Registrar of the transfers of the other lots in the strata title plan and the Registrar shall enter a notification of the vesting of the lots in the purchaser on the subsidiary strata land-register and cancel the registration of any mortgage, charge or lease notified on the subsidiary strata land-register.

[46/2007]

[Act 2 of 2012 wef 01/03/2012]

(15) The Registrar may dispense with production of the subsidiary strata certificates of title for the lots still owned by the subsidiary proprietor in reversion for the purposes of subsections (11) and (14).

[46/2007]

(16) Sections 84A(1A), (2), (3), (5), (5A), (7C), (8)(a), (b) and (c), (11), (11A), (12) and (13), 84B and 84C and the Second and Third Schedules shall apply, with the necessary modifications, to any application or order made under this section.

[46/2007]

[Act 2 of 2012 wef 01/03/2012]

(17) In this section —

“subsidiary proprietor” includes a successor in title;

“subsidiary proprietor in reversion” means the lessor of the registered lease under subsection (1) and includes a successor in title.

[46/2007]

Collective sale by all subsidiary proprietors who own registered leasehold tenure of at least 850 years or other tenure

84FB.—(1) This section shall apply where there are subsisting leases registered under the Land Titles Act (Cap. 157) of all or some of the lots in a strata title plan for a leasehold tenure of 850 years or more or for such other tenure as the Minister may, by notification in the *Gazette*, specify.

[46/2007]

(2) Where the subsidiary proprietors of all the lots in the strata title plan to which this section applies agree in writing under a sale and purchase agreement to sell all their lots and common property to a purchaser (whether in cash or kind or both), they shall serve a notice on the subsidiary proprietor in reversion of the leasehold estate and every mortgagee, chargee or other person with an estate or interest in land and whose interest is notified on the land-register at least 21 days before the date of the first transfer of any such lot informing them of the transfer under subsection (4).

[46/2007]

(3) Notice under subsection (2) shall be given by —

- (a) advertising the proposed sale in such local newspapers in the 4 official languages as approved by the Registrar;
- (b) serving the notice on the subsidiary proprietor in reversion of the leasehold estate and every mortgagee, chargee or other person with an estate or interest in land and whose interest is notified on the land-register by registered post; and
- (c) affixing a copy of the notice in the 4 official languages to a conspicuous part of each building in the development.

[46/2007]

(4) The subsidiary proprietor in reversion of the leasehold estate referred to in subsection (2) shall be deemed to have transferred his estate and interest in the lots to the purchaser without consideration upon the registration by the Registrar of the transfers of all the lots in the strata title plan and the Registrar shall enter a notification of the vesting of the land in the purchaser on the land-register.

[46/2007]

(5) A notice sent by registered post under this section to the subsidiary proprietor in reversion of the leasehold estate, his mortgagee, chargee or other person with an estate or interest in land and whose interest is notified on the land-register at its last registered address in the case of a company registered under the Companies Act (Cap. 50) or otherwise at its last recorded address at the Land Titles Registry shall be deemed to be duly served on the person to whom it is addressed 2 days after the day on which the notice was posted, notwithstanding the fact that the letter may be returned by the post office as undelivered.

[46/2007]

(6) When the transfers of the lots to which this section applies are lodged for registration with the Registrar, the solicitors acting for the subsidiary proprietors of the lots shall certify in such form as the Registrar may determine that the provisions of this section have been complied with, and the certificate in favour of the purchaser and the Registrar shall be conclusive evidence of the facts stated therein.

[46/2007]

(7) Section 84FA(12), (13), (15) and (17) shall apply, with the necessary modifications, to all the lots in a strata title plan to which this section applies.

[46/2007; 30/2008]

Application of Building Maintenance and Strata Management Act

84G. Part VI of the Building Maintenance and Strata Management Act (Cap. 30C) and any regulations made under that Act shall apply in respect of applications under this Part with the necessary modifications.

[47/2004]

PART VI**STRATA TITLES BOARDS**

85. to 114. [*Repealed by Act 47 of 2004*]

PART VII**GENERAL****Other rights and remedies not affected by this Act**

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

[16/87]

116. [*Repealed by Act 47 of 2004*]

117. [*Repealed by Act 47 of 2004*]

118. [*Repealed by Act 47 of 2004*]

Service of documents on management corporation, subsidiary proprietors and others

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

[16/87]

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

- (a) by leaving it with any person referred to in subsection (1) or in the receptacle provided by the management corporation under section 28 of the Building Maintenance and Strata Management Act (Cap. 30C); or
- (b) by sending it, by registered post, to the management corporation at its address recorded on the folio of the land-register comprising the common property.

[16/87; 47/2004]

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

(a) by leaving it —

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

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

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

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

[47/2004]

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

[16/87; 42/2005]

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

[16/87]

Breaches of provisions of Part IV

120. [Repealed by Act 47 of 2004]

Legal proceedings

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

[16/87]

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

[16/87]

PART VIII

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

Issue of subsidiary certificate of title to registered lessee

122.—(1) A registered lessee may by an application in the approved form apply to the Registrar for the issue of a subsidiary certificate of title in respect of the registered leasehold estate to his flat.

[16/87; S 143/89; 42/2005]

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

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

[16/87; S 143/89]

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

[16/87; S 143/89; 42/2005]

Flats sold by Housing and Development Board

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

held under a lease from the Housing and Development Board constituted under the Housing and Development Act (Cap. 129).

[16/87]

(2) Where a strata title application for a parcel is lodged by the Housing and Development Board with and duly registered by the Registrar, the provisions of this Act relating to a strata title plan and a subsidiary proprietor and section 10A and Part V and this Part and the Building Maintenance and Strata Management Act (Cap. 30C) shall apply to each and every subdivided building comprised in the registered strata title plan for that parcel.

[37/2004; 47/2004]

Flats sold by Jurong Town Corporation

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

[16/87]

(2) Where a strata title application for a parcel is lodged by the Jurong Town Corporation with and duly registered by the Registrar, the provisions of this Act relating to a strata title plan and a subsidiary proprietor and section 10A and Part V and this Part and the Building Maintenance and Strata Management Act (Cap. 30C) shall apply to each and every subdivided building comprised in the registered strata title plan for that parcel.

[37/2004; 47/2004]

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

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

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

[16/87; 37/2004]

(2) A strata title application submitted to the Registrar under subsection (1) —

- (a) shall be accompanied by a transfer of the proprietor's estate and interest in the land to the proprietors of all the flats in that building as tenants-in-common in the shares according to the ratio of one share to each flat, except that where the flats are of different sizes, the share in the land allotted to the proprietor of each flat shall have the value determined by the Registrar based on the methods used by the Commissioner for the allocation of share values under the Building Maintenance and Strata Management Act; and
- (b) shall not be registered unless the strata title plan has been lodged with and approved by the Chief Surveyor under the Boundaries and Survey Maps Act (Cap. 25).

[37/2004; 47/2004]

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

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

- (a) require a notice in the form approved by him to be inserted once in one or more daily newspapers to the effect that the Registrar will issue the subsidiary strata certificates of title under this section to the proprietors of the flats as shown in the records maintained at the Registry of Deeds after the expiration of 6 weeks from the date of publication of the notice if no valid objection is received by the Land Titles Registry; and

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

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

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

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

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

(9) The Registrar may, under subsections (7) and (8), issue the certificate of title and the subsidiary strata certificates of title qualified as to their title or their boundaries and dimensions, and sections 25 and 165 of the Land Titles Act (Cap. 157) shall apply, with the necessary modifications, to such certificate of title and subsidiary strata certificates of title.

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

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

[46/2007]

(11) It shall be the duty of the management corporation to determine the amount of contributions payable by the subsidiary proprietors of the lots in the subdivided building concerned to its management fund to meet the expenditure referred to in subsection (10) and any contributions so levied by the management corporation shall be deemed to be contributions levied under section 39 of the Building Maintenance and Strata Management Act (Cap. 30C).

[47/2004]

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

[16/87]

Subsidiary strata certificates of title for flats where proprietors own leasehold estate of at least 999 years or other estate

125A.—(1) Where the subsisting leases of the flats registered under the Registration of Deeds Act (Cap. 269) or the Land Titles Act are for a leasehold estate of 999 years or more or for such other estate as the Minister may, by notification in the *Gazette*, specify and where the proprietors of those flats who altogether own not less than 25% of

the total number of flats in the development have agreed to have the land brought under the Land Titles Act (Cap. 157) and for the issue of subsidiary strata certificates of title for all the flats, the proprietor of the land shall be deemed to have agreed to the transfer of the land without consideration to the proprietors of the flats in the shares as specified in section 125(2)(a) or 126(1) or (2), as the case may be.

[21/99]

(2) The proprietors of the flats referred to in subsection (1) shall serve a notice on the proprietor of the land and the subsisting mortgagees, chargees or other persons with an estate or interest in land who appear as such in the records of the Land Titles Registry or the Registry of Deeds, as the case may be, at least one month before the date of the strata title application is filed with the Registrar, informing them of the transfer under subsection (1).

[21/99; 37/2004]

(3) Section 125 or 126, as the case may be, shall, except the provisions relating to the transfer of the land by the registered proprietors, continue to apply to the proprietors of the flats referred to in subsection (1).

[21/99]

(4) Upon registration of the strata title application for the development and the issue of subsidiary strata certificates of title for the flats in the development, the estate and interest of the registered proprietor in the land shall vest in the subsidiary proprietors.

[21/99; 37/2004]

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

126.—(1) Where there are subsisting leases of flats registered under the Land Titles Act, the registered proprietors of the flats who altogether own not less than 25% of the total number of flats comprised in the development together with the registered proprietor of the land on which the said development is erected may lodge with the Registrar a transfer of the estate and interest of the registered proprietor of the land to all the registered proprietors of the flats as

tenants-in-common in the shares according to the ratio of one share to each flat together with a strata title application in the approved form.

[16/87; 37/2004; 42/2005]

(2) Where the flats in the development are of different sizes, the shares in the land to be allotted to the registered proprietor of each flat shall have the values determined by the Registrar based on the methods used by the Commissioner for the allocation of share values under the Building Maintenance and Strata Management Act (Cap. 30).

[37/2004; 47/2004; 42/2005]

(3) A strata title application submitted under subsection (1) shall not be registered unless the strata title plan has been lodged with and approved by the Chief Surveyor under the Boundaries and Survey Maps Act (Cap. 25).

[37/2004]

(4) The Registrar may, upon being satisfied that the transfer and the strata title application are in order —

- (a) register all the registered proprietors of the flats as the proprietors of the registered land as tenants-in-common;
- (b) issue the subsidiary strata certificates of title according to the strata title application; and
- (c) dispense with the production of the duplicate leases of the flats.

[37/2004]

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

[42/2005]

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

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

(7) Notwithstanding subsections (1), (2) and (3), the Registrar may, in order to relieve any case of extreme hardship, in his discretion, issue any subsidiary strata certificate of title in favour of a purchaser of a flat whose transfer of the leasehold estate of the flats has been duly stamped and lodged with him, notwithstanding that the name of the purchaser was not shown in the transfer lodged under subsection (1).

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

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

- (a) applying for the issue of subsidiary strata certificates of title for all those flats comprised in the development erected on the parcel;
- (b) lodging the transfer under subsection (1);
- (c) the preparation of the strata title plan for the parcel;

- (d) the publication of the notices referred to in subsection (6)(a); and
- (e) issuing notices to the proprietors of the flats under subsection (6)(b).

[42/2005; 46/2007]

(10) It shall be the duty of the management corporation to determine the amount of contributions payable by the subsidiary proprietors of the lots in the subdivided building concerned to its management fund to meet the expenditure referred to in subsection (9) and any contributions so levied by the management corporation shall be deemed to be contributions levied under section 39 of the Building Maintenance and Strata Management Act (Cap. 30C).

[47/2004]

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

[16/87; 42/2005]

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

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

- (a) any reference therein to the registered proprietor of the land shall be read as a reference to the Board;
- (b) any reference therein to the registered proprietors of flats shall be read as a reference to the owners of flats;
- (c) any reference therein to 25% of the total number of flats comprised in a development erected on a parcel of land shall be read as a reference to 75% of the total number of flats comprised in the building or buildings within a housing estate built on a parcel or parcels of land vested in the Board; and

- (d) any lease of such land issued by the Board under section 45(1) of the HUDC Housing Estates Act (Cap. 131) shall be deemed to have been surrendered by all the lessees to the Board on the day immediately before the date an instrument of transfer of such land is lodged under section 126(1).

[27/95; 46/2007]

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

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

[27/95]

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

[27/95]

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

[27/95]

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

(6) Any contributions so levied by the management corporation shall be deemed to be contributions levied under section 39 of the Building Maintenance and Strata Management Act (Cap. 30C).

[27/95; 47/2004]

(6A) Subject to subsection (6B), in the application of section 84A(1)(a) or (b) to any designated land, any reference therein to the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the strata title plan shall be read as a reference to the date of completion of the construction of the last building (not being any common property) comprised in the strata title plan as certified by the relevant authority.

[46/2007]

(6B) In the application of section 84A(1)(a) or (b) to any designated land specified in the First Schedule to the HUDC Housing Estates Act (Cap. 131), any reference therein to the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the strata title plan shall be read as a reference to the date of the issue of the Certificate of Fitness for any building (not being any common property) comprised in the strata title plan.

[46/2007]

(6C) A certificate purporting to be under the hand of an officer of the relevant authority specifying the date of completion of the construction of the last building (not being any common property) comprised in the strata title plan referred to in subsection (6A), shall, in the absence of proof to the contrary, and without further proof of the signature appended to the certificate, be sufficient evidence of the matters specified therein.

[46/2007]

(7) In this section and section 126B —

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

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

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

- (a) a purchaser of a leasehold interest in the flat, including a purchaser under an agreement for a lease of the flat; or
- (b) in any other case, the Board.

[27/95; 38/2002]

Application of HUDC Housing Estates Act and Housing and Development Act after registration of strata title application or issue of subsidiary strata certificates of title

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

- (a) the HUDC Housing Estates Act shall cease to apply to the housing estate and to all the registered proprietors of flats within the housing estate;
- (b) any body corporate constituted under the provisions of the HUDC Housing Estates Act in respect of that land shall continue as a management corporation constituted under the provisions of this Act having as its corporate name the corporate name as prescribed in this Act (referred to in this section as the new management corporation);
- (c) the management committee constituted under the HUDC Housing Estates Act of such body corporate shall, subject to the Building Maintenance and Strata Management Act (Cap. 30C), be the council of the new management corporation, and any person who, immediately before such registration, is a member of the management committee shall be deemed to have been elected under the provisions of the Building Maintenance and Strata Management Act (Cap. 30C) as a member of the council of the new management corporation;
- (d) all by-laws relating to the land under the provisions of the HUDC Housing Estates Act (Cap. 131) shall cease to have any force or effect in relation to that land but without prejudice to any right or liability accruing or legal

proceedings instituted prior to the registration of the strata title application;

- (e) any contribution levied by such body corporate under the provisions of the HUDC Housing Estates Act and unpaid on the registration of the strata title application may be recovered by the new management corporation as if it were a contribution levied by the new management corporation under the Building Maintenance and Strata Management Act;
- (f) any charge constituted upon a flat in favour of such body corporate under the provisions of the HUDC Housing Estates Act in connection with any unpaid contributions shall be deemed to be a charge constituted upon the lot corresponding to that flat in favour of the new management corporation under the Building Maintenance and Strata Management Act;
- (g) every fund which was, immediately before the registration of the strata title application, kept by such body corporate under the provisions of the HUDC Housing Estates Act, shall be deemed to be a fund required under the corresponding provisions of the Building Maintenance and Strata Management Act to be established and maintained by the new management corporation; and
- (h) any policy of insurance effected by such body corporate in relation to any building within the housing estate in accordance with the provisions of the HUDC Housing Estates Act and in force on the registration of the strata title application shall continue and deemed to have been effected under the Building Maintenance and Strata Management Act, and sections 70 and 71 of that Act shall not apply to or in respect of the new management corporation for that housing estate until the expiry of that policy.

[27/95; 47/2004; 46/2007; 30/2008]

(2) In the case of flats built on designated land which have been sold under Part IV of the Housing and Development Act (Cap. 129),

the provisions of Part IV of that Act shall cease to apply in relation to such flats upon the registration of the strata title application in respect of such designated land.

[27/95; 46/2007]

(3) The Minister may, for the purposes of facilitating any transfer of designated land or the issue of subsidiary strata certificates of title for the flats comprised in any building on such land, make regulations containing such other transitional, consequential or savings provisions as may appear necessary or expedient to the Minister.

[27/95]

Issue of subsidiary strata certificates of title for flats with subsisting leases registered under Registration of Deeds Act where land is vested in flat-owners as tenants-in-common

127.—(1) Where there are subsisting leases of flats registered under the provisions of the Registration of Deeds Act (Cap. 269) and the registered estate or interest in the land on which the flats are erected is vested, subject to the provisions of the Land Titles Act (Cap. 157), in the lessees of the flats as tenants-in-common in the shares shown in the land-register, the registered lessees of those flats who altogether own not less than 25% of the total number of those flats may lodge with the Registrar a strata title application in the approved form.

[16/87; 37/2004]

(2) A strata title application submitted under subsection (1) shall not be registered unless the strata title plan has been lodged with and approved by the Chief Surveyor under the Boundaries and Survey Maps Act (Cap. 25).

[37/2004]

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

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

- (a) require a notice in the form approved by him to be inserted once in one or more daily newspapers to the effect that the Registrar will issue the subsidiary strata certificates of title under this section to the registered lessees of the flats as

shown in the records maintained at the Registry of Deeds or the Land Titles Registry after the expiration of 6 weeks from the date of publication of the notice if no valid objection is received by the Land Titles Registry; and

- (b) send by registered post a copy of the notice referred to in paragraph (a) to the registered lessees of all the flats at the addresses shown in the records of the Registry of Deeds or the Land Titles Registry.

[42/2005]

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

(6) Any subsidiary strata certificate of title issued by the Registrar under subsection (5) may be qualified as to its title or its boundaries and dimensions, and sections 25 and 165 of the Land Titles Act (Cap. 157) shall apply, with the necessary modifications, to such subsidiary strata certificate of title.

[46/2007]

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

- (a) applying for the issue of subsidiary strata certificates of title for all those flats comprised in a building or buildings erected on the parcel;
- (b) the preparation of the strata title plan for the parcel;
- (c) the publication of the notices referred to in subsection (4)(a); and
- (d) issuing notices to the registered lessees of the flats under subsection (4)(b).

[46/2007]

(8) It shall be the duty of the management corporation to determine the amount of contributions payable by the subsidiary proprietors of the lots in the subdivided building concerned to its management fund to meet the expenditure referred to in subsection (7) and any

contributions so levied by the management corporation shall be deemed to be contributions levied under section 39 of the Building Maintenance and Strata Management Act (Cap. 30C).

[16/87; 47/2004]

Effect of issue of qualified certificate of title and of subsidiary strata certificates of title

128.—(1) Upon the issue of a qualified certificate of title for the land under section 125, the provisions of the Land Titles Act (Cap. 157) relating to a qualified certificate of title shall apply to the land comprised therein.

[16/87; 42/2005]

(2) Upon the issue of the subsidiary strata certificates of title for the flats under section 125, 125A, 126, 126A or 127, all the provisions of the leases of the flats registered under the provisions of the Registration of Deeds Act (Cap. 269) and the Land Titles Act shall cease to apply to the flats except in respect of any terms, covenants and conditions which were subsisting prior to the date of the issue of the subsidiary strata certificates of title in so far as they relate to any obligations which have yet to be fulfilled or any cause of action which had arisen as between the registered proprietors of the flats themselves and as between the registered proprietors of the flats and the registered proprietors of the land on which the flats are erected.

[16/87; 42/2005]

Exemption from stamp duty

129. [*Repealed by Act 38 of 2002*]

PART IX

MISCELLANEOUS

Regulations

130.—(1) Subject to section 131, the Authority, with the approval of the Minister, may make regulations not inconsistent with this Act for giving effect to the provisions of this Act.

[17/2001]

(2) Without prejudice to the generality of subsection (1), the Authority, with the approval of the Minister, may make regulations with respect to —

- (a) the fees to be paid in respect of lodgment and registration of plans and documents under this Act;
- (b) any matter which by this Act is required or permitted to be prescribed or is necessary or convenient to be prescribed for carrying out or giving effect to any provision of this Act.

[16/87; 17/2001; 47/2004; 46/2007]

Regulations made by, and fees to be paid to, Authority

131.—(1) The Authority may make regulations on any of the following matters:

- (a) the preparation of plans and documents for the purposes of this Act; and
- (b) the lodgment and registration of plans under this Act.

[17/2001]

(2) All prescribed fees collected under or in connection with any service provided by the Registrar under this Act shall be paid into the funds of the Authority.

[17/2001]

FIRST SCHEDULE

Sections 84A(3), (4), (7C), (13) and
(14), 84D(3), 84E(4) and (5) and
84FA(3) and (4)

REQUIREMENTS UNDER SECTION 84A, 84D, 84E OR 84FA

1. Before making an application to a Board, the subsidiary proprietors referred to in section 84A(1) or 84FA(2) or the proprietors of flats referred to in section 84D(2) or 84E(3), as the case may be, shall —

- (a) execute within the permitted time but in no case more than 12 months before the date the application is made, a collective sale agreement in writing among themselves (whether or not with other subsidiary proprietors or proprietors) agreeing to agree to collectively sell —
 - (i) in the case of an application under section 84A or 84FA, all the lots and common property in a strata title plan; or

FIRST SCHEDULE — *continued*

- (ii) in the case of an application under section 84D or 84E, all the flats and the land in a development to which section 84D or 84E, as the case may be, applies;
- (b) affix to a conspicuous part of each building comprised in the strata title plan or the development to which section 84D or 84E applies, as the case may be, a notice in the 4 official languages specifying —
- (i) the number of lots and number of subsidiary proprietors or the number of flats and number of proprietors, as the case may be, who, immediately before the date of the notice, have signed the collective sale agreement; and
 - (ii) the proportion (in percentage) that the total share value and the total area of the lots as shown in the subsidiary strata certificates of title of such subsidiary proprietors' lots bear to the total share value and total area of all lots comprised in that strata title plan, or the total share or total notional share of the land and total area of the flats of such proprietors bear to the total share or notional share of all proprietors and total area of all the flats in that land and the development concerned, as the case may be,
- within 4 weeks after the start of the permitted time and thereafter at intervals of not more than 4 weeks from the date of the last notice under this sub-paragraph;
- (c) ensure that the notice in sub-paragraph (b) does not include any subsidiary proprietor who has served or is entitled to serve a notice of rescission under paragraph 6 and that the notice in that sub-paragraph is certified by the advocate and solicitor appointed by the collective sale committee or in accordance with paragraph 7(1)(a) in the Third Schedule, whichever is applicable, to be accurate;
[S 365/2010 wef 16/07/2010]
- (d) advertise in the 4 official languages the particulars of the proposed application in such local newspapers as approved by the Board;
[S 365/2010 wef 16/07/2010]
- (e) serve notice of the proposed application on all the subsidiary proprietors of all the lots and common property in the strata title plan concerned and, if applicable, on the subsidiary proprietors in reversion of the leasehold estate in the lots, or on all the proprietors of all flats in the development concerned, as the case may be, by letter by registered post notifying everyone of them of the proposed application accompanied by a copy each of the following documents, and stating

FIRST SCHEDULE — *continued*

that copies of the documents may also be obtained from the marketing agent or the collective sale committee:

- (i) the collective sale agreement referred to in sub-paragraph (a);
- (ii) the sale and purchase agreement which is to be the subject of the application to the Board;
- (iii) a statutory declaration made by the purchaser under the sale and purchase agreement on the nature of his relationship (if any) or, if the purchaser is a body corporate, the nature of the relationship of every one of its directors (if any), to any subsidiary proprietor of any lot comprised in that strata title plan or any proprietor of any flat in the development, as the case may be;
- (iv) the advertisement referred to in sub-paragraph (d);
- (v) a valuation report from an independent valuer on the value of the development as at the date of the close of the public tender or auction; and
- (vi) a report by an independent valuer on the proposed method of distributing the proceeds of the sale due under the sale and purchase agreement;

[13/2010 wef 15/07/2010]

- (f) give further notice of the proposed application by post addressed to each lot in the strata title plan concerned or each flat in the development concerned, as the case may be, or by placing a copy of the notice in the respective mail boxes for each such lot or flat; and

[13/2010 wef 15/07/2010]

(g) *[Deleted by Act 13/2010 wef 15/07/2010]*

- (h) affix a copy of the notice referred to in sub-paragraph (e), without the enclosed documents, in the 4 official languages to a conspicuous part of each building comprised in the strata title plan or the development, as the case may be.

2.—(1) For the purposes of this Schedule —

- (a) the permitted time in relation to a collective sale agreement executed or to be executed by subsidiary proprietors or proprietors referred to in section 84A(1), 84D(2), 84E(3) or 84FA(2), means a period —
 - (i) starting from the date the first subsidiary proprietor or proprietor, or his duly appointed attorney, as the case may be, signs the collective sale agreement; and

FIRST SCHEDULE — *continued*

(ii) ending not more than 12 months after the date the first subsidiary proprietor or proprietor, or his duly appointed attorney, as the case may be, signs the collective sale agreement; and

(b) the collective sale agreement shall be regarded as executed notwithstanding that it is executed on separate copies thereof and at different times.

(2) For the avoidance of doubt, it is hereby declared that any reference in sub-paragraph (1)(a) to the first subsidiary proprietor or proprietor who signs the collective sale agreement does not include a reference to a subsidiary proprietor who rescinds his agreement to be party thereto in accordance with paragraphs 6 and 7.

[S 111/2011 wef 02/03/2011]

3. The collective sale committee shall provide a preface to the collective sale agreement stating the clause numbers and page numbers in which the following information are found:

- (a) the reserve price for the development;
- (b) the apportionment method for the proceeds of sale;
- (c) the fees payable to the advocate and solicitor, marketing agent and other person involved in handling the collective sale;
- (d) the amount of the compensation fund, if any;
- (e) the person entitled to any interest derived from moneys held by any stakeholder; and
- (f) the date of delivery of vacant possession of the lot or flat.

4. The collective sale agreement shall be signed by the subsidiary proprietor, and, if signed in Singapore, in the presence of an advocate and solicitor who has a valid practising certificate appointed by the collective sale committee or in accordance with paragraph 7(1)(a) in the Third Schedule, whichever is applicable.

[S 365/2010 wef 16/07/2010]

5. The collective sale agreement shall be accompanied by a notice, in the prescribed form, that may be used by the subsidiary proprietor to rescind his agreement to be a party to the collective sale agreement.

6.—(1) A subsidiary proprietor may rescind his agreement to be a party to the collective sale agreement by serving a notice of rescission referred to in paragraph 5 within the cooling-off period which shall be a period of 5 days (excluding any day which is a Saturday, Sunday or public holiday) after the day on which the collective sale agreement was signed by him.

FIRST SCHEDULE — *continued*

(2) For the avoidance of doubt, it is hereby declared that —

- (a) a subsidiary proprietor or proprietor who signs a collective sale agreement remains entitled to rescind his agreement to be a party thereto in accordance with sub-paragraph (1) even after the permitted time (as defined by paragraph 2) for the collective sale agreement has expired; and
- (b) any such subsidiary proprietor or proprietor who so rescinds his agreement to be a party to a collective sale agreement after the permitted time for the collective sale agreement has expired shall, for the purposes of paragraph 1, not be regarded as having executed the collective sale agreement within the permitted time.

[S 111/2011 wef 02/03/2011]

7. The notice of rescission shall be signed by the subsidiary proprietor and shall be served personally on the advocate and solicitor appointed by the collective sale committee or in accordance with paragraph 7(1)(a) in the Third Schedule, whichever is applicable, before 5 p.m. on the last day of the cooling-off period.

[S 365/2010 wef 16/07/2010]

8. A subsidiary proprietor shall not be entitled to serve a notice of rescission more than once for the same collective sale agreement.

9. The advertisement referred to in paragraph 1(d) shall include —

- (a) information on the development;
- (b) brief details of the sale proposal; and
- (c) the place at which the affected parties can inspect documents for the collective sale.

10. The notice referred to in paragraph 1(e) to be served by registered post shall be served on the affected parties —

- (a) where the party is a subsidiary proprietor of a lot in the strata title plan, at the address as shown on the strata roll;
- (b) where the party is a proprietor of a flat or land, at the last recorded address at the Land Titles Registry or Registry of Deeds;
- (c) where the party is a mortgagee, chargee or other person with an estate and interest in the lot or flat whose interest is notified on the land-register or a subsidiary proprietor in reversion of the leasehold estate in a lot, his mortgagee, chargee or other person with an estate or interest in the lot and whose interest is notified on the subsidiary strata land-register, at the address on the strata roll or last recorded address at the Land Titles Registry or Registry of Deeds, as the case may be,

FIRST SCHEDULE — *continued*

provided that where such mortgagee, chargee, subsidiary proprietor in reversion or other person has an estate or interest in more than one lot or flat whose interest is notified on the land-register or subsidiary strata land-register, a single notice referring to the affected lots or flats and their respective subsidiary proprietors or proprietors shall suffice; and

- (d) where the party is a management corporation, at its address recorded on the folio of the land-register comprising the common property.

11. An application to a Board shall be made by the subsidiary proprietors referred to in section 84A(1) or 84FA(2) or the proprietors referred to in section 84D(2) or 84E(3) within 14 days of the publication of the advertisement referred to in paragraph 1(d), enclosing —

- (a) the documents specified in paragraph 1(e);
- (b) a statutory declaration made by the representatives appointed under section 84A(2) or their solicitors stating —
- (i) the date the permitted time for the collective sale agreement started;
 - (ii) the date on which the collective sale agreement referred to in paragraph 1(a) was last executed by any subsidiary proprietor or proprietor referred to in section 84A(1), 84D(2), 84E(3) or 84FA(2), as the case may be;
 - (iii) the date or dates on which the notice or notices referred to in paragraph 1(b) were affixed; and
 - (iv) that sub-paragraphs (c), (d), (e) and (h) of paragraph 1 have been complied with;
- (c) a list of the names of the subsidiary proprietors or proprietors who have not agreed in writing to the sale, their mortgagees, chargees, the subsidiary proprietors in reversion of the leasehold estate in the lots and other persons (other than lessees) with an estate or interest in the lots or flats whose interests are notified on the land-register or subsidiary strata land-register; and
- (d) such other document as the Board may require.

12. The Board shall, within 5 days of the filing of an objection, serve a copy of it by registered post on the representatives appointed under section 84A(2) and their solicitors, if any.

13. The subsidiary proprietors referred to in section 84A(1) or 84FA(2) or the proprietors referred to in section 84D(2) or 84E(3) shall, after making an application to the Board, cause a notification of the application being made to be

FIRST SCHEDULE — *continued*

registered under this Act, the Land Titles Act (Cap. 157) or the Registration of Deeds Act (Cap. 269), as the case may be.

[13/2010 wef 15/07/2010]

14. The subsidiary proprietors or proprietors referred to in paragraph 13 shall —

- (a) if an order for sale is granted by the High Court or a Board, as the case may be, under section 84A, 84D, 84E or 84FA, register the order of the High Court or Board in accordance with this Act, the Land Titles Act or the Registration of Deeds Act, as the case may be;
- (b) if the order for sale is not granted by a Board and no application is made to the High Court within the time delimited by section 84A(2B), 84D(2B), 84E(3B) or 84FA(2B), apply to cancel the notification registered under paragraph 13; or
- (c) if the order for sale is not granted by the High Court, apply to cancel the notification registered under paragraph 13.

[13/2010 wef 15/07/2010]

15. In this Schedule, “affected parties” means —

- (a) the subsidiary proprietors referred to in section 84A(1) or 84FA(2) or the proprietors referred to in section 84D(2) or 84E(3);
- (b) the subsidiary proprietors of the lots or the proprietors of the flats who have not agreed in writing to the sale, and any mortgagee, chargee and other person (other than a lessee) with an estate or interest in the lot or flat whose interest is notified on the land-register;
- (c) the proprietor of the land under section 84E, his mortgagee, chargee or other person with an estate or interest in the land whose interest is notified on the land-register;
- (d) the subsidiary proprietor in reversion of the leasehold estate in the lots under section 84FA, his mortgagee, chargee or other person with an estate or interest in the lots and whose interest is notified on the subsidiary strata land-register; and
- (e) the management corporation, where applicable.

[21/99; 47/2004; S 243/2004; 46/2007]

SECOND SCHEDULE

Sections 84A(1A)(a), (3), (7C) and
(14), 84D(9) and (9A), 84E(15) and
(15A) and 84FA(16) and
paragraphs 1(1), 7(1), 9(1) and 12(a) of
Third Schedule

GENERAL MEETINGS FOR PURPOSES OF COLLECTIVE SALE

Application of Schedule

1. This Schedule shall apply only to any general meeting convened by a management corporation for the purposes of a collective sale.

Convening of general meeting on requisition

2.—(1) Subject to sub-paragraph (1A), the council of a management corporation shall, on receipt by the secretary thereof of a requisition for a general meeting signed by —

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

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

[13/2010 wef 15/07/2010]

(1A) If a relevant event happens, the council of the management corporation shall not, on receipt by the secretary thereof of another requisition for a general meeting, proceed to convene another general meeting of the management corporation for the purposes of constituting a collective sale committee unless —

- (a) a period of 2 or more years has elapsed since the happening of the relevant event; or
- (b) the requisition is signed —
 - (i) in the case of the first requisition after the happening of the relevant event — by at least 50% of the total number of subsidiary proprietors of lots that comprise the management corporation or by 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 50% of the aggregate value of all the

SECOND SCHEDULE — *continued*

lots whose subsidiary proprietors comprise the management corporation; and

- (ii) in the case of the second or subsequent requisition after the happening of the relevant event — by at least 80% of the total number of subsidiary proprietors of lots that comprise the management corporation or by 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 80% of the aggregate value of all the lots whose subsidiary proprietors comprise the management corporation.

[13/2010 wef 15/07/2010]

[S 365/2010 wef 16/07/2010]

(2) Subject to sub-paragraph (2A), in the case of land in a development to which section 84D applies, any general meeting shall be convened by —

- (a) the proprietors of the flats who own not less than 20% share of the land; or
- (b) not less than 25% of the total number of proprietors of the flats.

[13/2010 wef 15/07/2010]

(2A) If a relevant event happens, the proprietors of flats in a development to which section 84D applies shall not proceed to convene another general meeting for the purposes of constituting a collective sale committee unless —

- (a) a period of 2 or more years has elapsed since the happening of the relevant event; or
- (b) the requisition for the meeting is made —
 - (i) in the case of the first requisition after the happening of the relevant event — by proprietors of flats in the development who own not less than 50% share of the land or by not less than 50% of the total number of proprietors of such flats; and
 - (ii) in the case of the second or subsequent requisition after the happening of the relevant event — by proprietors of flats in the development who own not less than 80% share of the land or by not less than 80% of the total number of proprietors of such flats.

[13/2010 wef 15/07/2010]

[S 365/2010 wef 16/07/2010]

(3) Subject to sub-paragraph (3A), in the case of land in a development to which section 84E applies, any general meeting shall be convened by —

SECOND SCHEDULE — *continued*

(a) the proprietors of the flats who own not less than 20% notional share of the land; or

(b) not less than 25% of the total number of proprietors of the flats.

[13/2010 wef 15/07/2010]

(3A) If a relevant event happens, the proprietors of flats in a development to which section 84E applies shall not proceed to convene another general meeting for the purposes of constituting a collective sale committee unless —

(a) a period of 2 or more years has elapsed since the happening of the relevant event; or

(b) the requisition for the meeting is made —

(i) in the case of the first requisition after the happening of the relevant event — by proprietors of flats in that development who own not less than 50% notional share of the land or by not less than 50% of the total number of proprietors of such flats; and

(ii) in the case of the second or subsequent requisition after the happening of the relevant event — by proprietors of flats in that development who own not less than 80% notional share of the land or by not less than 80% of the total number of proprietors of such flats.

[13/2010 wef 15/07/2010]

[S 365/2010 wef 16/07/2010]

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

(5) If the council does not within 14 days after the date of the deposit of the requisition made by requisitionists referred to in sub-paragraph (1) or (1A)(b), as the case may be, proceed to convene a meeting, the requisitionists, or any one of them representing more than 50% of the total voting rights of all of them, may themselves, in the same manner as nearly as possible as that in which meetings are to be convened by the council, convene a meeting, but any meeting so convened shall not be held after the expiration of 3 months from that date.

[13/2010 wef 15/07/2010]

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

SECOND SCHEDULE — *continued*

(7) In the case of land in a development to which section 84D or 84E applies, the general meeting may be convened by the proprietors referred to in sub-paragraph (2), (2A), (3) or (3A), as the case may be, in the same manner as nearly as possible as that in which meetings are to be convened.

[13/2010 wef 15/07/2010]

(8) For the purposes of sub-paragraphs (1A), (2A) and (3A), a relevant event occurs when —

- (a) no quorum of proprietors is present at a general meeting to constitute a collective sale committee —
 - (i) of a management corporation under sub-paragraph (1) convened on or after the date of commencement of section 9(b) of the Land Titles (Strata) (Amendment) Act 2010;
 - (ii) of proprietors of flats in a development to which section 84D applies under sub-paragraph (2) convened on or after the date of commencement of section 9(d) of the Land Titles (Strata) (Amendment) Act 2010; or
 - (iii) of proprietors of flats in a development to which section 84E applies under sub-paragraph (3) convened on or after the date of commencement of section 9(f) of the Land Titles (Strata) (Amendment) Act 2010;
- (b) the motion for the constitution of a collective sale committee, notice of which was given in accordance with paragraph 3, is defeated at the general meeting referred to in sub-paragraph (a)(i), (ii) or (iii);
- (c) the collective sale agreement executed among the subsidiary proprietors that comprise the management corporation, or the collective sale agreement executed among the proprietors of flats referred to in section 84D(2) or 84E(3), as the case may be, expires at any time on or after the date of commencement of section 9(i) of the Land Titles (Strata) (Amendment) Act 2010;
- (d) the collective sale committee constituted for the purposes of a collective sale of all lots and the common property in a strata title plan to which section 84A or 84FA applies, or a collective sale of all the flats and land in a development to which section 84D or 84E applies, as the case may be, is dissolved at any time on or after the date of commencement of section 9(i) of the Land Titles (Strata) (Amendment) Act 2010 by virtue of the operation of paragraph 12(2) of the Third Schedule; or
- (e) every member of a collective sale committee constituted for the purposes of a collective sale referred to in sub-paragraph (d) is

SECOND SCHEDULE — *continued*

removed from office on or after the date of commencement of section 9(i) of the Land Titles (Strata) (Amendment) Act 2010 and no other collective sale committee is constituted in replacement for the purposes of the same collective sale.

[13/2010 wef 15/07/2010]

[S 365/2010 wef 16/07/2010]

Notice of general meetings

3.—(1) A notice of a general meeting of a management corporation shall be served on each subsidiary proprietor who is a member thereof and on the first mortgagee of a lot, as ascertained from the strata roll, at least 14 days before the meeting.

(2) Every notice for a general meeting shall —

- (a) specify the place, day and hour for the meeting;
- (b) include each proposed resolution to be considered at the meeting;
- (c) specify any other business to be transacted at the meeting; and
- (d) inform each person to whom the notice is addressed that he may vote in respect of each proposed resolution and, where relevant, on election of members of the collective sale committee —
 - (i) in the case of a subsidiary proprietor of a lot subject to a first mortgage shown on the strata roll, only if the mortgagee fails or neglects to exercise the voting power conferred upon him by this Schedule; and
 - (ii) either in person or by proxy at the meeting.

(3) No motion shall be submitted at a general meeting unless —

- (a) notice of the motion has been given in accordance with this paragraph;
or
- (b) the motion is a motion to amend a motion of which notice has been so given.

(4) A motion for the constitution of a collective sale committee and its powers, duties or functions shall be decided by ordinary resolution passed at the general meeting.

(5) In the case of land in a development to which section 84D or 84E applies, a notice of a general meeting of the proprietors of the flats shall be served on each proprietor by registered post at his last recorded address at the Land Titles Registry or the Registry of Deeds and placing a copy of the notice under the main door of every flat in the development.

SECOND SCHEDULE — *continued***Persons entitled to vote at general meetings**

4.—(1) A person shall be entitled to vote in respect of any lot on any proposal submitted at a general meeting of a management corporation or on any election of members of the collective sale committee only if he is the subsidiary proprietor or a mortgagee in possession or a receiver of that lot as shown on the strata roll.

(2) Notwithstanding any other provision of this paragraph, a first mortgagee, as shown on the strata roll, of a lot shall be entitled to vote in respect of that lot on any proposal submitted at a general meeting of a management corporation or on any election of members of the collective sale committee and, if he votes on that proposal, any vote cast by the subsidiary proprietor of that lot on the proposal shall not be counted.

(3) The vote of co-proprietors or co-mortgagees may be cast by any of them in person or by a proxy and if both joint subsidiary proprietors or co-mortgagees are present at a meeting of the management corporation, the vote of the senior who casts a vote, whether in person or by a proxy, shall be accepted to the exclusion of the votes of the others; and for this purpose, seniority shall be determined by the order in which the names stand in the strata roll.

(4) In the case of land in a development to which section 84D or 84E applies, the seniority shall be determined by the order in which the names appear in the records at the Land Titles Registry or the Registry of Deeds.

(5) Only the subsidiary proprietor entitled to the first of 2 or more successive estates in a lot shall, subject to this Schedule, be entitled to cast a vote on any proposal submitted at a general meeting of a management corporation or on any election of members of the collective sale committee.

(6) A subsidiary proprietor who is the trustee of a lot shall, subject to this Schedule, be entitled to cast a vote on any proposal submitted at a general meeting of a management corporation or on any election of members of the collective sale committee and the persons beneficially interested in the trust shall not be entitled to cast such a vote.

(7) The voting rights conferred by this paragraph shall be subject to section 65(9) and (10) of the Building Maintenance and Strata Management Act (Cap. 30C).

Quorum

5.—(1) No business shall be transacted at any general meeting of a management corporation unless a quorum of subsidiary proprietors is present.

(2) A quorum shall be formed at any general meeting of a management corporation constituted in respect of a strata title plan when the number of

SECOND SCHEDULE — *continued*

subsidiary proprietors who own at least 30% of the aggregate share value for all lots comprised in that strata title plan are present at the meeting, either in person or by proxy.

(3) In the case of land in a development to which section 84D or 84E applies, the quorum shall be formed at any general meeting of the proprietors of the flats when the number of proprietors who own at least 30% of the share or notional share in land, as the case may be, are present at the meeting, either in person or by proxy.

(4) If at the end of 60 minutes after the time appointed for holding a general meeting of a management corporation referred to in sub-paragraph (2) or the proprietors of flats referred to in sub-paragraph (3), no quorum as specified in sub-paragraph (2) or (3), as the case may be, is present, that general meeting shall immediately stand dissolved.

[13/2010 wef 15/07/2010]

Motions out of order

6. At a general meeting of a management corporation, its chairperson may rule that a motion submitted at the meeting is out of order if he considers that the motion, if carried, would conflict with this Act or would otherwise be unlawful or unenforceable.

Method of casting vote

7. Except as provided in paragraph 4(3), a vote on a motion submitted at a general meeting of a management corporation or on any election of members of the collective sale committee may be cast by the person entitled to vote, either personally or by his duly appointed proxy.

Chairperson to preside

8. The chairperson of the management corporation shall preside at any general meeting of the management corporation at which he is present and, in his absence from any such meeting, the persons present at that meeting and entitled to vote on motions submitted at that meeting may elect one of their number to preside at that meeting and the person so elected shall, while he is so presiding, be deemed to be the chairperson of the management corporation.

List of names of persons entitled to vote

9. The secretary of the management corporation shall put up a list of the names of the persons who are entitled to vote at a general meeting on the notice board maintained on the common property at least 48 hours before the general meeting.

SECOND SCHEDULE — *continued***Counting of votes on motion**

10.—(1) A motion submitted at a general meeting of a management corporation shall be decided only according to the value, ascertained in accordance with sub-paragraphs (2) and (3), of the votes cast for and against the motion, whether personally or by proxy.

(2) Subject to sub-paragraph (3), for the purposes of sub-paragraph (1), the value of a vote cast on a motion submitted at a general meeting of a management corporation by a person entitled to vote in respect of a lot shall be equal to the share value of that lot.

(3) For the purposes of sub-paragraph (1), the value of the vote cast by a subsidiary proprietor of a proposed lot shall be 25% of the value that, but for this sub-paragraph, his vote would have under sub-paragraph (2), ignoring any fraction.

(4) A poll shall be taken in such manner as the chairperson thinks fit.

Chairperson's declaration of vote

11. The declaration of the chairperson of the result of the voting on any proposal submitted at a general meeting of the management corporation shall be conclusive.

Company may appoint representative to attend meetings

12. A company which is a subsidiary proprietor may under the seal of the company or the hand of its director or any duly authorised attorney appoint such person as it thinks fit to act as its representative either at a particular meeting or at all meetings of the management corporation, and a person so authorised shall, in accordance with his authority or until his authority is revoked by the company, be entitled to exercise the same powers on behalf of the company as the company could exercise if it were an individual.

Instrument of proxy

13.—(1) An instrument appointing a proxy shall be in writing —

- (a) under the hand of the person appointing the proxy or of his attorney duly authorised in writing; or
- (b) if the person appointing the proxy is a company, either under seal or under the hand of an officer or its attorney duly authorised.

(2) Where it is desired to afford subsidiary proprietors an opportunity of voting for or against a resolution, the instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:

SECOND SCHEDULE — *continued*

I/We, _____ of being a member/members of the above-named management corporation, hereby appoint/appoints _____, of _____, or failing him, of _____, as my/our proxy to vote for me/us on my/our behalf at the general meeting of the management corporation, to be convened on the _____ day of _____ 20____, and at any adjournment thereof.

Signed this _____ day of _____ 20____.

This form is to be used *in favour of/against the resolution.

*Strike out whichever is not desired. [Unless otherwise instructed, the proxy may vote as he thinks fit.].

Proxy to be deposited at registered address of management corporation

14. The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed, or a notarially certified copy of that power or authority, shall be deposited at the registered address of the management corporation or at such other place in Singapore as is specified for that purpose in the notice convening the meeting —

- (a) not less than 48 hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote; or
- (b) in the case of a poll, not less than 48 hours before the time appointed for the taking of the poll,

and in default, the instrument of proxy shall not be treated as valid.

Powers of proxies

15.—(1) A proxy need not be a subsidiary proprietor.

(2) Subject to sub-paragraph (3), a person duly appointed as a proxy —

- (a) if entitled to vote otherwise as a proxy, may also vote in his own right; and
- (b) if appointed as proxy for more than one person, may vote separately as a proxy in each case.

(3) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on the matter.

SECOND SCHEDULE — *continued***Authority not to be revoked by death of principal, etc.**

16. A vote given in accordance with the terms of an instrument of proxy or attorney shall be valid notwithstanding the previous death or unsoundness of mind of the principal or revocation of the instrument or of the authority under which the instrument was executed, or the transfer of the share in respect of which the instrument is given, if no intimation in writing of such death, unsoundness of mind, revocation or transfer has been received by the management corporation at its registered address or such other place in Singapore referred to in paragraph 14 before the commencement of the meeting or adjourned meeting at which the instrument is used.

[46/2007]

THIRD SCHEDULE

Sections 84A(1A)(b), (3), (7C) and
(14), 84D(9) and (9A), 84E(15) and
(15A) and 84FA(16)

COMPOSITION, CONSTITUTION AND PROCEEDINGS OF COLLECTIVE
SALE COMMITTEE**Members of collective sale committee**

1.—(1) Subject to sub-paragraph (2), a collective sale committee shall comprise such number of persons as may be determined in a general meeting convened in accordance with the Second Schedule, but in no case less than 3 members or more than 14 members who are natural persons.

(2) Notwithstanding sub-paragraph (1), where the number of subsidiary proprietors of the lots in a strata title plan is not more than 3, the collective sale committee shall consist of each subsidiary proprietor (if any) who is a natural person or the subsidiary proprietor's nominee, together with the nominee of each subsidiary proprietor (if any) which is a company.

(3) A person shall not be eligible for election as a member of a collective sale committee unless he is an individual of at least 21 years of age and who —

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

(4) Notwithstanding sub-paragraph (3), the following persons shall also not be eligible for election as a member of the collective sale committee:

THIRD SCHEDULE — *continued*

- (a) an individual who is a joint subsidiary proprietor of a lot with another subsidiary proprietor, if that other subsidiary proprietor is also a candidate at that election or has nominated another person for that election; and
- (b) an individual who is nominated for election by a subsidiary proprietor who owns 2 or more lots, if that subsidiary proprietor together with any of his nominees —
 - (i) nominated at the same election; or
 - (ii) elected to the collective sale committee at the same or other election,

or such of his nominees, exceed the threshold number for that subsidiary proprietor determined in accordance with sub-paragraph (6).

(5) Notwithstanding sub-paragraph (3) and without prejudice to sub-paragraph (4) —

- (a) an undischarged bankrupt; or
- (b) a subsidiary proprietor of a lot whose contributions and other moneys levied or recoverable by the management corporation under the Building Maintenance and Strata Management Act (Cap. 30C) in respect of that lot are in arrears,

shall be eligible for election as a member of a collective sale committee if, and only if, his status referred to in sub-paragraph (a) or (b) is declared in writing, whether by himself or by another, at the time of his nomination.

(6) For the purposes of determining the eligibility of any subsidiary proprietor's nominee for election as a member of a collective sale committee under sub-paragraph (4)(b), the threshold number for that subsidiary proprietor shall be —

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

whichever number is the lower.

Disclosure of conflict of interests

2.—(1) If a person standing for election as a member of a collective sale committee is aware of any conflict of interest or potential conflict of interest, if any, with his duties or interests as a member of the collective sale committee (should he be elected) arising from —

THIRD SCHEDULE — *continued*

- (a) his holding of any office;
- (b) his interest in any contract, whether alone or together with any of his associates;
- (c) his possession or ownership of any lot or common property that may be the subject of the collective sale, whether alone or together with any of his associates;
- (d) any direct or indirect relationship he or any associate of his has with any property developer, property consultant, marketing agent or legal firm;
- (e) the holding of any office by any of his associates;
- (f) his associate's interest in a contract; or
- (g) his associate's possession or ownership of any lot or common property that may be the subject of the collective sale,

he shall, before his election, declare at the general meeting convened for such election, the nature and extent of all such conflicts of interest or potential conflicts of interest.

(2) The election of any person who fails to comply with sub-paragraph (1) shall be void.

(3) If a member of a collective sale committee becomes aware of any conflict of interest or potential conflict of interest, if any, with his duties or interests as a member of the collective sale committee arising from —

- (a) his holding of any office;
- (b) his interest in any contract, whether alone or together with any of his associates;
- (c) his possession or ownership of any lot or common property that may be the subject of the collective sale, whether alone or together with any of his associates;
- (d) any direct or indirect relationship he or any associate of his has with any property developer, property consultant, marketing agent or legal firm;
- (e) the holding of any office by any of his associates;
- (f) his associate's interest in a contract; or
- (g) his associate's possession or ownership of any lot or common property that may be the subject of the collective sale,

THIRD SCHEDULE — *continued*

he must, within the relevant period, declare in writing to the chairperson of the collective sale committee, the nature and extent of all such conflicts of interest or potential conflicts of interest.

(4) The collective sale committee whose member has made any such declaration under sub-paragraph (3) shall, within 7 days after the making of the declaration, give notice of the making of the declaration by causing a copy of the declaration to be affixed to a conspicuous part of each building comprised in the strata title plan or development, as the case may be.

(5) For the purposes of sub-paragraph (3), “relevant period” means —

- (a) in the case of a person who, on the date of commencement of section 10(a) of the Land Titles (Strata) (Amendment) Act 2010, is a member of a collective sale committee, a period of 30 days after that date; or
- (b) in any other case, 7 days after becoming aware of all conflicts of interest or potential conflicts of interest, if any, with his duties or interests as a member of the collective sale committee arising from the circumstances described in sub-paragraph (3).

(6) For the purposes of sub-paragraphs (1) and (3), a person, *A*, is an associate of another person, *B*, if —

- (a) *A* is the spouse or a parent, remoter lineal ancestor or step-parent or a son, daughter, remoter issue, step-son or step-daughter or a brother or sister, of *B*;
- (b) *A* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *B* or, where *B* is a corporation, of the directors of *B*;
- (c) *B* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*;
- (d) *A* is a person with whom *B* has an agreement or arrangement, whether oral or in writing and whether express or implied, to act together with respect to the acquisition, holding or disposal of shares or other interests in, or with respect to the exercise of their voting power in relation to, any property developer, property consultant, marketing agent or legal firm;

THIRD SCHEDULE — *continued*

- (e) *A* is a corporation in which *B*, alone or together with other associates of *B* as described in sub-paragraphs (b) and (c), is in a position to control not less than 5% of the voting power in *A*.

[13/2010 wef 15/07/2010]

Appointment of chairperson

3. The chairperson of the collective sale committee shall be appointed from among its members.

Tenure of office of member

4. A member of the collective sale committee shall hold office for the duration of the collective sale agreement until —

- (a) the collective sale committee is dissolved; or
- (b) he vacates office under paragraph 5.

Vacation of office of member of collective sale committee

5. A person who is a member of a collective sale committee shall vacate his office as such a member —

- (a) if the person was a subsidiary proprietor at the time of his election and he ceases to be a subsidiary proprietor;
- (b) if the person was the nominee of a subsidiary proprietor and the subsidiary proprietor who nominated him —
 - (i) ceases to be a subsidiary proprietor; or
 - (ii) notifies the collective sale committee in writing that the person's office as a member of the collective sale committee is vacated;
- (c) upon the receipt by the collective sale committee from the person of a notice in writing of the person's resignation;
- (d) where he is a member under paragraph 1(2) and the number of subsidiary proprietors increases to more than 3, upon the election of the members of the collective sale committee at a general meeting convened after that increase;
- (e) if the person is removed from office at a general meeting;
- (ea) if the person is removed from office by the collective sale committee in accordance with paragraph 8 on the ground that an application to a Board has been made under section 84A or 84FA during his tenure as a member and the person is a subsidiary proprietor, or a nominee of a

THIRD SCHEDULE — *continued*

subsidiary proprietor, who has not executed the collective sale agreement to which the application relates;

[13/2010 wef 15/07/2010]

[S 365/2010 wef 16/07/2010]

- (f) if the person dies;
- (g) if the person becomes a mentally disordered person within the meaning of the Mental Disorders and Treatment Act (Cap. 178); or
- (h) if the person is convicted, on or after 4th October 2007, by a court in Singapore or elsewhere of an offence involving fraud or dishonesty.

Chairperson to preside at meetings

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

General meetings convened by collective sale committee

7.—(1) The collective sale committee shall convene one or more general meetings of the management corporation in accordance with the Second Schedule for the following purposes:

- (a) to appoint any advocate and solicitor, any property consultant or marketing agent in connection with a collective sale where the collective sale committee is not already authorised at a general meeting to make such appointments;

[13/2010 wef 15/07/2010]

- (b) to approve the apportionment of sale proceeds; and

[13/2010 wef 15/07/2010]

- (c) to approve the terms and conditions of the collective sale agreement.

[13/2010 wef 15/07/2010]

- (d) *[Deleted by Act 13/2010 wef 15/07/2010]*

- (e) *[Deleted by Act 13/2010 wef 15/07/2010]*

- (f) *[Deleted by Act 13/2010 wef 15/07/2010]*

- (g) *[Deleted by Act 13/2010 wef 15/07/2010]*

(2) The meeting for any of the purposes in sub-paragraph (1)(a), (b) and (c) shall be convened before any subsidiary proprietor signs the collective sale agreement.

[13/2010 wef 15/07/2010]

THIRD SCHEDULE — *continued*

(3) After the subsidiary proprietors referred to in section 84A(1) or 84FA(2) have signed a collective sale agreement but before the launch for sale referred to in paragraph 11, the collective sale committee must convene a meeting of subsidiary proprietors, of which at least 7 days' notice is given —

(a) to give an update on the total number of subsidiary proprietors who, immediately before the date of the meeting, have signed the collective sale agreement; and

(b) to provide information on the sale proposal and the sale process.

[13/2010 wef 15/07/2010]

(4) As soon as practicable after the close of the public tender or public auction referred to in paragraph 11 or, where applicable, after the collective sale committee has entered into a private contract under that paragraph, the collective sale committee must convene a meeting of subsidiary proprietors, of which at least 7 days' notice is given —

(a) to provide information on the number of offers received for the collective sale and the respective prices so offered; and

(b) to provide information on the terms and conditions of the sale and purchase agreement.

[13/2010 wef 15/07/2010]

Meetings of collective sale committee

8.—(1) At any meeting of a collective sale committee, a quorum shall consist of the majority of the members of the collective sale committee except that where a management corporation for a strata title plan has only 2 subsidiary proprietors, the presence of the member who owns more than 50% of the aggregate share value of all the lots comprised in the strata title plan shall be the quorum required to convene the meeting of the collective sale committee.

[S 365/2010 wef 16/07/2010]

(2) A decision of the majority of members of the collective sale committee present and voting at any meeting of the collective sale committee shall be a decision of the collective sale committee except that where a management corporation for a strata title plan has only 2 subsidiary proprietors, the decision of the member who owns more than 50% of the aggregate share value of all the lots comprised in the strata title plan shall be the decision of the collective sale committee.

[13/2010 wef 15/07/2010]

(3) A collective sale committee shall cause a record of its decisions and minutes of its meetings to be kept.

THIRD SCHEDULE — *continued***Keeping of records**

9.—(1) The collective sale committee shall keep minutes of its proceedings and shall cause minutes of general meetings convened in accordance with the Second Schedule to be kept.

(2) If the management corporation is required by its by-laws to maintain a notice board, the collective sale committee shall cause a copy of the minutes of a meeting of the collective sale committee to be displayed on the notice board within 7 days after the meeting.

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

(4) If there is no notice board, the collective sale committee shall give each subsidiary proprietor a copy of the minutes referred to in sub-paragraph (2) within the period specified in that sub-paragraph.

(5) The collective sale committee shall —

(a) ensure that proper books of account are kept in respect of all sums of money received and expended for the purposes of a collective sale specifying the matters in relation to which the receipts and expenditure take place; and

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

Acts of collective sale committee valid notwithstanding vacancy, etc.

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

(a) a vacancy in the office of a member of the collective sale committee; or

(b) any defect in the appointment or any disqualification of any such member,

be as valid as if the vacancy, defect or disqualification did not exist and the collective sale committee were fully and properly constituted.

Collective sale by public tender or auction

11.—(1) The collective sale of all lots and common property in a strata title plan shall be launched for sale only by way of public tender or public auction.

(2) A valuation report by an independent valuer on the value of the development as at the date of the close of the public tender or public auction shall be obtained by

THIRD SCHEDULE — *continued*

the collective sale committee on the date of the close of the public tender or public auction.

(3) Notwithstanding sub-paragraph (1), the collective sale committee may, within 10 weeks from the close of the public tender or public auction, enter into a private contract with a purchaser for the sale of all the lots and common property in a strata title plan.

Termination of collective sale committee

12.—(1) A collective sale committee may be dissolved —

- (a) by ordinary resolution at a general meeting of the management corporation convened in accordance with the Second Schedule; or
- (b) upon the termination or expiry of the collective sale agreement.

[46/2007]

[13/2010 wef 15/07/2010]

(2) A collective sale committee that is constituted for the purposes of a collective sale of all lots and the common property in a strata title plan to which section 84A or 84FA applies, or a collective sale of all the flats and land in a development to which section 84D or 84E applies, shall be dissolved if —

- (a) in the case of such a committee that is constituted before the date of commencement of section 10(g) of the Land Titles (Strata) (Amendment) Act 2010, at the end of a period of 12 months after that date; or
- (b) in any other case, at the end of a period of 12 months after the committee is constituted,

there is no collective sale agreement for that collective sale or no subsidiary proprietor or proprietor, as the case may be, has executed a collective sale agreement for that collective sale.

[13/2010 wef 15/07/2010]

FOURTH SCHEDULE

Section 84A(8)(a) and (c) and (14)

DEDUCTIONS ALLOWABLE BY BOARD OR HIGH COURT

[S 365/2010 wef 16/07/2010]

1. Stamp duty paid or payable on the sale, purchase, or sale and purchase (as the case may be) of the lot or flat.

[S 680/2013 wef 07/11/2013]

2. Legal fees paid in relation to the purchase of the lot or flat.

FOURTH SCHEDULE — *continued*

3. Costs related to the privatisation of any designated land as defined in section 126A.

4. Costs incurred pursuant to the collective sale which are to be shared by all subsidiary proprietors or proprietors as provided under the collective sale agreement.

[46/2007]

LEGISLATIVE HISTORY
LAND TITLES (STRATA) ACT
(CHAPTER 158)

This Legislative History is provided for the convenience of users of the Land Titles (Strata) Act. It is not part of the Act.

1. Act 41 of 1967 — Land Titles (Strata) Act 1967

| | |
|--|---|
| Date of First Reading | : 21 December 1966 (Bill No. 60/66 published on 3 January 1967) |
| Date of Second Reading | : 27 February 1967 |
| Date Committed to Select Committee | : 27 February 1967 |
| Date of Presentation of Select Committee Report | : 7 December 1967 (Parl. 12 of 1967) |
| Date of Third Reading | : 21 December 1967 |
| Date of commencement | : 15 May 1968 |

2. 1970 Revised Edition — Land Titles (Strata) Act (Cap. 277)

| | |
|-------------------|------------------|
| Date of operation | : 31 August 1971 |
|-------------------|------------------|

3. Act 37 of 1970 — Land Titles (Amendment) Act 1970

(Consequential amendments made to Act by)

| | |
|-----------------------------------|---|
| Date of First Reading | : 22 July 1970 (Bill No. 32/70 published on 27 July 1970) |
| Date of Second and Third Readings | : 2 September 1970 |
| Date of commencement | : 1 December 1970 |

4. Act 4 of 1976 — Land Titles (Strata) (Amendment) Act 1976

| | |
|--|--|
| Date of First Reading | : 29 July 1975 (Bill No. 32/75 published on 1 August 1975) |
| Date of Second Reading | : 19 August 1975 |
| Date Committed to Select Committee | : 19 August 1975 |
| Date of Presentation of Select Committee Report | : 16 February 1976 (Parl. 1 of 1976) |
| Date of Third Reading | : 1 March 1976 |

- Date of commencement : 15 April 1976
- 5. Act 23 of 1982 — Land Titles (Strata) (Amendment) Act 1982**
- Date of First Reading : 27 July 1982
(Bill No. 13/82 published on
4 August 1982)
- Date of Second and Third Readings : 31 August 1982
- Date of commencement : 15 October 1982
- 6. 1985 Revised Edition — Land Titles (Strata) Act**
- Date of operation : 30 March 1987
- 7. Act 16 of 1987 — Land Titles (Strata) (Amendment) Act 1987**
- Date of First Reading : 5 May 1986
(Bill No. 10/86 published on
6 May 1986)
- Date of Second Reading : 29 July 1986
- Date Committed to Select Committee : 29 July 1986
- Date of Presentation of Select
Committee Report : 25 June 1987 (Parl. 10 of 1987)
- Date of Third Reading : 28 July 1987
- Date of commencement : 1 December 1987
- 8. 1988 Revised Edition — Land Titles (Strata) Act**
- Date of operation : 30 April 1988
- 9. G. N. No. S 143/1989 — Revised Edition of the Laws (Rectification)
(No. 2) Order 1989**
- Date of commencement : 7 April 1989
- 10. Act 24 of 1991 — Land Surveyors Act 1991**
(Consequential amendments made to Act by)
- Date of First Reading : 27 February 1991
(Bill No. 11/91 published on
28 February 1991)
- Date of Second Reading : 22 March 1991
- Date Committed to Select Committee : 22 March 1991
- Date of Presentation of Select
Committee Report : 17 June 1991 (Parl. 3 of 1991)

Date of Third Reading : 28 June 1991
 Date of commencement : 30 August 1991

11. Act 27 of 1995 — Land Titles (Strata) (Amendment) Act 1995

Date of First Reading : 25 May 1995
 (Bill No. 22/95 published on
 26 May 1995)
 Date of Second and Third Readings : 7 July 1995
 Date of commencement : 4 August 1995

12. Act 3 of 1998 — Planning Act 1998

(Consequential amendments made to Act by)

Date of First Reading : 19 November 1997
 (Bill No. 18/97 published on
 20 November 1997)
 Date of Second and Third Readings : 14 January 1998
 Date of commencement : 1 April 1998

13. Act 21 of 1999 — Land Titles (Strata) (Amendment) Act 1999

Date of First Reading : 29 June 1998
 (Bill No. 28/98 published on
 30 June 1998)
 Date of Second Reading : 31 July 1998
 Date Committed to Select Committee : 31 July 1998
 Date of Presentation of Select
 Committee Report : 19 April 1999 (Parl. 2 of 1999)
 Date of Third Reading : 4 May 1999
 Date of commencement : 11 October 1999

14. 1999 Revised Edition — Land Titles (Strata) Act

Date of operation : 30 December 1999

15. Act 17 of 2001 — Singapore Land Authority Act 2001

(Consequential amendments made to Act by)

Date of First Reading : 5 March 2001
 (Bill No. 17/2001 published on
 7 March 2001)
 Date of Second and Third Readings : 19 April 2001
 Date of commencement : 1 June 2001

16. Act 38 of 2002 — Stamp Duties (Amendment) Act 2002

(Consequential amendments made to Act by)

- Date of First Reading : 31 October 2002
(Bill No. 40/2002 published on
1 November 2002)
- Date of Second and Third Readings : 25 November 2002
- Date of commencement : 1 January 2003

17. Act 30 of 2003 — Planning (Amendment) Act 2003

(Consequential amendments made to Act by)

- Date of First Reading : 16 October 2003
(Bill No. 27/2003 published on
17 October 2003)
- Date of Second and Third Readings : 11 November 2003
- Date of commencement : 10 December 2003

18. G. N. No. S 243/2004 — Land Titles (Strata) Act (Amendment of Fourth Schedule) Order 2004

- Date of commencement : 1 May 2004

19. Act 7 of 2004 — Fire Safety (Amendment) Act 2004

(Consequential amendments made to Act by)

- Date of First Reading : 5 January 2004
(Bill No. 5/2004 published on
6 January 2004)
- Date of Second and Third Readings : 6 February 2004
- Date of commencement : 16 February 2005

20. Act 37 of 2004 — Land Surveyors (Amendment) Act 2004

(Consequential amendments made to Act by)

- Date of First Reading : 1 September 2004
(Bill No. 36/2004 published on
2 September 2004)
- Date of Second and Third Readings : 21 September 2004
- Date of commencement : 31 March 2005

21. Act 47 of 2004 — Building Maintenance and Strata Management Act 2004

(Consequential amendments made to Act by)

Date of First Reading : 6 February 2004
(Bill No. 6/2004 published on
7 February 2004)

Date of Second and Third Readings : 19 October 2004

Date of commencement : 1 April 2005

22. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005
(Consequential amendments made to Act by)

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 17 (except paragraphs
(e) to (j) — Amendment of Land
Titles (Strata) Act))

23. 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

24. Act 30 of 2008 — Statutes (Miscellaneous Amendments) (No. 2) Act 2008
(Consequential amendments made to Act by)

Date of First Reading : 15 September 2008
(Bill No. 27/2008 published on
15 September 2008)

Date of Second and Third Readings : 17 November 2008

Date of commencement : 17 December 2008

25. 2009 Revised Edition — Land Titles (Strata) Act

Date of operation : 31 July 2009

26. 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

27. G. N. No. S 365/2010 — Land Titles (Strata) Act (Amendment of Schedules) Order 2010

Date of commencement : 16 July 2010

28. G. N. No. S 111/2011 — Land Titles (Strata) Act (Amendment of Schedules) Order 2011

Date of commencement : 2nd March 2011

29. Act 2 of 2012 — Statutes (Miscellaneous Amendments) Act 2012

Date of First Reading : 21 November 2011
(Bill No. 22/2011 published on
21 November 2011)

Date of Second and Third Readings : 18 January 2012

Date of commencement : 1 March 2012
(section 24 — Amendment of
Land Titles (Strata) Act)

30. G.N. No. S 680/2013 — Land Titles (Strata) Act (Amendment of Fourth Schedule) Order 2013

Date of commencement : 7 November 2013

31. 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

32. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018

Date of First Reading : 10 September 2018 (Bill No.
32/2018 published on
10 September 2018)

Date of Second and Third Readings : 1 October 2018

Date of commencement : 30 July 2020

COMPARATIVE TABLE
LAND TITLES (STRATA) ACT
(CHAPTER 158)

The following provisions in the 1988 Revised Edition of the Land Titles (Strata) Act were renumbered by the Law Revision Commissioners in this 1999 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Land Titles (Strata) Act.

| 1999 Ed. | 1988 Ed. |
|-------------------------|-----------------|
| 6—(1) and (1A) | 6—(1) |
| 7—(9) and (9A) | 7—(9) |
| 8—(3) and (4) | 8—(3) |
| (5) | (4) |
| <i>Omitted</i> | 11—(5) |
| 22—(2) and (2A) | 22—(2) |
| 23—(2) to (2A) | 23—(2) |
| 24—(2) and (2A) | 24—(2) |
| 26—(1) to (1A) | 26—(1) |
| 35—(1) and (2) | 35 |
| 41—(14) and (15) | 41—(14) |
| (16) | (15) |
| (17) | (16) |
| 42—(4) | 42—(13) |
| (5) | (4) |
| (6) | (5) |
| (7) | (6) |
| (8) and (8A) | (7) |
| (9) | (8) |
| (10) and (10A) | (9) |
| (11) | (10) |

| 1999 Ed. | 1988 Ed. |
|------------------------|-----------------|
| (12) | (11) |
| (13) | (14) |
| (14) | (12) |
| <i>Omitted</i> | 43—(12) |
| 44—(1) and (2) | 44 |
| 62—(7) and (7A) | 62—(7) |
| 66—(3) and (3A) | 66—(3) |
| 68—(1) and (1A) | 68—(1) |
| (1B) | Proviso to (1) |
| 77—(8) and (9) | 77—(8) |
| (10) | (9) |
| 78—(1) and (1A) | 78—(1) |
| (9) and (9A) | (9) |
| 81—(7) and (7A) | 81—(7) |
| 86—(2) | 86—(1A) |
| (3) | (1B) |
| (4) | (2) |
| (5) | (2A) |
| (6) | (2B) |
| (7) | (3) |
| 87—(2) and (3) | 87—(2) |
| (4) | (3) |
| 88—(1) and (2) | 88 |
| 92—(2) | 92—(1A) |
| (3) | (1B) |
| (4) | (2) |
| 107—(1) and (2) | 107 |
| 116—(1) and (2) | 116—(1) |

| 1999 Ed. | 1988 Ed. |
|-------------------------|-----------------|
| (3) | (2) |
| 118—(2) and (3) | 118—(2) |
| 126A—(3) and (4) | 126A—(3) |
| (5) and (6) | (4) |
| (7) | (5) |