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Notification No. B 60 — The Land Titles (Strata) Bill is hereby published for general information. It was introduced in Parliament on 21st December 1966.

Land Titles (Strata) Bill

Bill No. 60/1966.

Read the first time on 21st December 1966.

A BILL

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

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

PART I
PRELIMINARY

Short title and commencement

5 1. This Act may be cited as the Land Titles (Strata) Act, 1966, and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Application

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

Interpretation

10 3. In this Act, unless the context otherwise requires —

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

15 “building” means any building erected on land and capable of being subdivided horizontally into flats;

“Competent Authority” means the Competent Authority appointed under section 3 of the Planning Ordinance, 1959 (Ord. 12 of 1959);

20 “common property” means, in relation to a subdivided building, so much of the land for the time being comprised in a strata title plan as is not comprised in any lot shown therein;

25 “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;

30 “lot” means a lot comprising a flat in a subdivided building and shown as such in a strata title plan;

“management corporation” means, in relation to any particular subdivided building shown in the strata title plan, the management corporation established for that building;

“parcel” means the whole of the registered land (including any part thereof on which stands a subdivided building) comprised in a strata title plan; 5

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

“registered land” means land which has been brought under the provisions of the Land Titles Ordinance, 1956 (Ord. 21 of 1956), by being included in a folium of the land-register, and held by the registered proprietor for an estate in fee simple or perpetuity, or for a leasehold estate comprised in a Crown or State lease or a lease from the Government having an unexpired term of at least twenty-one years as at the date of the lodgment of a plan as a strata title plan under this Act; 10

“registered lease” means a lease registered under the provisions of the Land Titles Ordinance, 1956;

“registered lessee” means, in relation to any subdivided building not comprised in a strata title plan, 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 twenty-one years as at the date of the lodgment of an application by such registered proprietor for a subsidiary certificate of title; 15

“Registrar” means the Registrar of Titles appointed under the Land Titles Ordinance, 1956;

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

(a) is described in the title or heading thereto as a strata title plan; 20

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

(c) contains the particulars prescribed by section 8 of this Act,

and includes a plan of re-subdivision of any lot in a strata title plan registered under this Act;

5 “subsidiary proprietor” means the proprietor for the time being of a lot;

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

10 “subdivided building” means a building shown in a subdivision plan approved by the Competent Authority for the subdivision into strata;

“subsidiary certificate of title” means the subsidiary certificate of title issued under the provisions of section 32 of this Act;

15 “subsidiary strata certificate of title” means the subsidiary strata certificate of title issued under section 7 of this Act;

“unanimous resolution” means a resolution of the management corporation for which all the subsidiary proprietors have voted.

20 **Application of Land Titles Ordinance, 1956**

4. The Land Titles Ordinance, 1956 (Ord. 21 of 1956), shall apply in all respects to land registered in any folium of the subsidiary strata land-register:

25 Provided that if any provision of the Land Titles Ordinance, 1956 (Ord. 21 of 1956), is inconsistent with any provision of this Act, the latter provision shall prevail and the former provision shall, to the extent of the inconsistency, cease to apply.

PART II

**SUBDIVISION AND SUBSIDIARY
STRATA LAND-REGISTER**

Approval of subdivision under Planning Ordinance, 1959

5. The provisions relating to the subdivision of land contained in the Planning Ordinance, 1959 (Ord. 12 of 1959), and any rules made thereunder shall apply to the subdivision of any building or any lot.

Application by proprietor for subdivision of building

6.—(1) Subject to the provisions of this section where, a proprietor of registered land on which a building stands has obtained approval of subdivision of the building into flats from the Competent Authority such proprietor may apply to the Registrar for the registered land and the subdivided building thereon to be dealt with in lots under separate subsidiary strata certificates of title.

(2) The proprietor when making his application shall lodge a strata title plan in the manner provided by and under this Act, and unless such a plan has been so registered no assurance of a flat comprised in the subdivided building shall be capable of being registered under this Act.

(3) The provisions of this section shall not apply to any flat or class of flats specified by the Minister by notification in the *Gazette*.

Registration of strata title plan

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

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

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

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notified in the subsidiary strata land-register and on the strata title plan.

(4) Subject to the provisions of this Act any assurance or other dealing affecting a lot may be registered in the same manner and form and, upon registration, shall have the same effect as a similar assurance or dealing affecting part of registered land comprised in a subdivision plan approved by the Competent Authority, and registered pursuant to the provisions of the Land Titles Ordinance, 1956.

10 Strata title plan and other accompanying documents

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

(2) Each index plan shall —

(a) delineate the external surface boundaries and boundary marks of the proposed parcel and the position of each subdivided building thereon fixed in relation to the surface boundaries;

(b) specify the Government survey lot number, Mukim or Town Subdivision of the parcel, the surveyed area thereof, the superficial area of each subdivided building thereon and the certificate of title comprising the parcel; and

(c) include a vertical section of the subdivided building showing —

(i) the floors and ceilings of each storey; and

(ii) the height of each storey.

(3) Each storey plan shall —

(a) delineate each proposed lot and define the boundaries thereof by reference to floors and walls, showing the horizontal dimensions, without it being necessary to show any bearing;

(b) distinguish each storey by an index-letter in relation to the survey lot number of the parcel and specify the lots in each storey in relation to the number of the storey;

- (c) delineate all common property within each storey; and
 - (d) show the approximate floor area of each lot and the common property.
- (4) Every strata title plan shall —
- (a) show the share units in whole numbers of each lot and a number equal to the aggregate unit entitlement of all the lots, and the quantum of the undivided share of each subsidiary proprietor in the common property;
 - (b) have endorsed upon it the address at which documents may be served on the management corporation in accordance with section 27 of this Act; and
 - (c) contain such other particulars as may be prescribed by rules made under this Act.

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

- (6) Every strata title plan lodged for registration shall be —
- (a) signed by an architect registered under the provisions of the Architects Ordinance (Cap. 189) and endorsed with a certificate by the Chief Surveyor that a copy of such plan has been approved by him and lodged in the Survey Office; and
 - (b) accompanied by a subdivision plan showing the appropriate subdivision approved and signed by the Competent Authority or a photostat copy thereof.

(7) In this section “storey” means any horizontal division of a building whether or not on the same level throughout, and whether above or below the surface of the ground.

Common property

9.—(1) On registration of the strata title plan the Registrar shall enter a memorial in the land-register on the volume and folium of the parcel to the effect that a subsidiary strata land register has been created, and thereupon the common property shall be held by the

subsidiary proprietors as tenants in common proportional to their respective share units and for the same term and tenure as their respective lots are held by them.

5 (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.

10 (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 shall operate to assure the share in the common property appurtenant to such lot without any express mention in the assurance.

PART III

RIGHTS AND OBLIGATIONS OF A SUBSIDIARY PROPRIETOR

Easement of support

15 10.—(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;
- (b) as against the proprietor of each lot and to which the same shall be subject, an easement for the subjacent and lateral support of the common property and of every other lot capable of enjoying support.

20 25 (2) The easement of support created by this section shall entitle the proprietor of the dominant tenement to enter on the servient tenement to replace, renew or restore any support.

Easement of shelter

30 11.—(1) Every subsidiary proprietor shall be entitled to have his lot sheltered by all other parts of the subdivided building as are capable of affording shelter.

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

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

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Easements of passage of water, drainage and other services

12. 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 service (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;

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(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.

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Ancillary rights

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13. 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

14. The easements implied or created by this Act shall take effect and be enforceable without any memorial or notification on the folia of the subsidiary strata land-register and subsections (5) and (6) of

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section 76 of the Land Titles Ordinance, 1956 (Ord. 21 of 1956), shall not apply to such easements.

Creation of easements and restrictions

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

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

(2) The management corporation, if it is satisfied that the resolution was duly passed, and that all persons having registered interests in the parcel have consented in writing to the manner of creating those interests in respect of the registered land comprised in the proposed disposition, shall execute the appropriate instrument and such instrument shall be valid and effective without any execution by any person having an interest in the parcel, and the receipt of the management corporation for any moneys payable to the management corporation under the instrument shall be a sufficient discharge, and shall exonerate 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 enforced 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 shall in favour of a purchaser and the Registrar be conclusive evidence of the facts stated therein.

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

Unity of seisin not to affect easements, etc.

16. Unity of seisin in two or more flats shall not destroy easements or restrictions implied or created by this Part of this Act, but on the

cessation of such unity they shall continue in full force and effect as if the seisin had never been united.

Share units

17.—(1) The share value of each lot shown in every plan lodged for registration as a strata title plan shall be taken as share units. 5

(2) The share units 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;
- (c) the proportion payable by each subsidiary proprietor of contributions levied by the management corporation pursuant to section 23 of this Act. 10

PART IV

MANAGEMENT OF THE BUILDING AND THE MANAGEMENT CORPORATION

Establishment of a management corporation

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

(2) The management corporation may — 20

- (a) sue and be sued on any contract made by it;
- (b) sue and be sued in respect of any matter affecting the common property;
- (c) be sued in respect of any matter connected with the parcel for which the subsidiary proprietors are jointly liable. 25

(3) The management corporation shall elect a council which, subject to any restriction imposed or direction given by the corporation at a general meeting, shall perform the corporation's duties and conduct the corporation's business on its behalf and may for that purpose exercise any of the corporation's powers. 30

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

(5) In this section “subsidiary proprietors” includes the persons entitled to the parcel upon destruction of the subdivided building pursuant to section 29 of this Act.

Duties and powers of the management corporation

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

- (a) to manage and properly maintain the common property and keep the same in a state of good and serviceable repair;
- (b) unless otherwise directed by unanimous resolution, to insure and keep insured the subdivided building to the replacement value thereof against fire and such other risks as may be prescribed under this Act;
- (c) to effect such other insurance of the subdivided building as may be required by law;
- (d) to insure against such other risks as the subsidiary proprietors may by unanimous resolution direct;
- (e) subject to any order made by the court under section 28 of this Act, forthwith to apply insurance moneys received by it in respect of damage to the subdivided building in re-building and reinstating the same so far as it may be lawful to do so;
- (f) to pay premiums on any policy of insurance effected by it;
- (g) to comply with any notice or order made by any competent public or statutory authority requiring the abatement of any nuisance on the common property or ordering repairs or other work to be done in respect of the common property;
- (h) to comply with any such notice or order as is referred to in paragraph (g) of this subsection given or made in respect of any of the lots, if the subsidiary proprietor fails to do so within a reasonable time; and

- (i) to pay the rent (if any) on the land on which the subdivided building is erected.
- (2) The powers of the management corporation shall include the following:—
- (a) to recover from any subsidiary proprietor any sum expended by the management corporation in respect of that subsidiary proprietor's lot in complying with any such notice or order as is referred to in paragraph (h) of subsection (1) of this section; 5
 - (b) to purchase, hire or otherwise acquire movable property for use by the subsidiary proprietors in connection with their enjoyment of the common property; 10
 - (c) to borrow moneys required by it in the exercise of its powers or the performance of its duties;
 - (d) to secure the repayment of moneys borrowed by it and the payment of interest thereon by negotiable instrument or by a charge of unpaid contributions to the management fund, whether already levied or not; and 15
 - (e) to do all things reasonably necessary for the performance of its duties under this Part of this Act and for the enforcement of the by-laws set out in the Second Schedule to this Act. 20
- (3) The management corporation shall be deemed —
- (a) for the purpose of effecting any insurance under paragraph (b) or (c) of subsection (1) of this section, to have an insurable interest in the building equal to its replacement value; and 25
 - (b) for the purpose of effecting any insurance under paragraph (d) of subsection (1) of this section, to have an insurable interest in the subject matter of the insurance. 30
- (4) A policy of insurance taken out by the management corporation under this section in respect of the subdivided building shall not be liable to be brought into contribution with any other policy of

insurance, except another policy taken out under this section in respect of the same subdivided building.

(5) The generality of this section shall not be prejudiced by any other provision of this Part of this Act conferring a power or imposing a duty on the management corporation.

Insurance of lot subject to mortgage

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

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

- (a) payment shall be made by the insurer under such policy to the registered mortgagees in order of their respective priorities, subject to the terms and conditions of the policy;
- (b) subject to the terms and conditions of such policy, the insurer shall be liable to pay thereunder —
 - (i) the value stated in such policy; or
 - (ii) the amount of the damage or loss; or
 - (iii) the amount sufficient, at the date of the damage or loss, to discharge the mortgage charged upon the lot, whichever is the least amount;
- (c) where the amount so paid equals the amount necessary to discharge a mortgage charged upon the lot the insurer shall be entitled to a transfer of the mortgage;
- (d) where the amount so paid by the insurer is less than the amount necessary to discharge a mortgage charged upon the lot the insurer shall be entitled to a sub-mortgage of the mortgage to secure the amount so paid on terms and conditions agreed upon as provided in subsection (3) of this section, or, failing agreement, on the same terms and conditions as those contained in the mortgage.

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

(4) Nothing in this section shall limit the right of the subsidiary proprietor to insure against risks other than damage to his lot. 5

(5) The policy of insurance authorised by this section and taken out by a subsidiary proprietor in respect of damage to his lot shall not be liable to be brought into contribution with any other policy of insurance save another policy taken out under this section in respect of damage to the same lot. 10

(6) The provisions of this section shall apply notwithstanding the provisions of any law relating to insurance.

Appointment of administrator for the management corporation

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21.—(1) The court on the application of the management corporation, a subsidiary proprietor or any other person or body having a registered interest in a lot may appoint an administrator for the management corporation for a fixed or indefinite period and on such terms and conditions as to remuneration or otherwise as the court thinks fit. 20

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

(3) The administrator shall, to the exclusion of the management corporation, have the power and perform the duties of the management corporation, or such of them as the court may order: 25

Provided that this subsection shall not prevent an application by the corporation under subsection (5) of this section for the removal or replacement of the administrator.

(4) The court on the application of the administrator or any person or body entitled to apply under subsection (1) of this section may remove or replace the administrator. 30

By-laws for regulation of the subdivided building

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

(2) The by-laws shall include —

(a) the by-laws set out in Part 1 of the Second Schedule to this Act which shall not be added to, amended or repealed except by unanimous resolution;

(b) the by-laws set out in Part 2 of the Second Schedule to this Act which may be added to, amended or repealed by the management corporation.

(3) Until by-laws are made by the management corporation under the provisions of this section, the by-laws set out in Parts 1 and 2 of the Second Schedule to this Act shall as and from the registration of a strata title plan be in force for all purposes in relation to every subdivided building.

(4) The management corporation may by special resolution make by-laws, not inconsistent with the by-laws set out in Part 1 of the Second Schedule to this Act, for regulating the control, management, administration, use and enjoyment of the subdivided building.

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

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

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

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

(6) On the application of a subsidiary proprietor or any person or body authorised in writing by him, the management corporation shall

make available for inspection the by-laws for the time being in force in respect of the subdivided building.

(7) No by-law shall be capable of operating —

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

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The management fund

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

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

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(3) For the purpose of establishing and maintaining the management fund the management corporation may —

- (a) determine from time to time the amounts to be raised for the purposes mentioned in subsection (1) of this section; and
- (b) raise the amounts so determined by levying contributions on the subsidiary proprietors in proportion to the share units of their respective lots.

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(4) The management corporation shall on the application of a subsidiary proprietor or any person or body authorised in writing by him certify —

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- (a) the amount of any contribution determined as the contribution of that subsidiary proprietor;
- (b) the manner in which the contribution is payable;
- (c) the extent (if any) to which the contribution has been paid; and

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(d) the amount of any property tax paid in respect of that subsidiary proprietor's lot by the management corporation under section 24 of this Act and not recovered by it, and such certificate shall be conclusive evidence of the matters certified in favour of any person or body dealing with that subsidiary proprietor.

(5) A subsidiary proprietor, on whom a contribution is levied under subsection (3) of this section and, without prejudice to the conclusiveness of a certificate given under subsection (4) of this section, his successors in title shall be jointly and severally liable for the payment of the contribution, which shall be recoverable accordingly by the management corporation.

Rates

24.—(1) In this section —

“Chief Assessor” means the Chief Assessor appointed under section 3 of the Property Tax Ordinance, 1960 (Ord. 72 of 1960);

“property tax” means the property tax imposed by the Property Tax Ordinance, 1960;

“Comptroller” means the Comptroller of Property Tax appointed under section 3 of the Property Tax Ordinance, 1960.

(2) The management corporation shall within four months of its establishment send to the Comptroller —

(a) two copies of the list of names and addresses of the council appointed to act for the management corporation and keep the Comptroller informed of any changes in the list of names and addresses so supplied; and

(b) two copies of the registered strata title plan or any amendment thereto (including all endorsements thereon) certified in the manner prescribed under this Act.

(3) (a) Where property tax levied in respect of the parcel or any part thereof is paid by the management corporation the payment made shall be recoverable from the subsidiary proprietor or proprietors out

of his or their contributions made pursuant to the provisions of section 23 of this Act.

(b) (i) Where property tax levied in respect of a lot is due and payable and the subsidiary proprietor has made default in payment thereof, then the Comptroller may serve on the management corporation a copy of the notice of assessment requiring the management corporation to pay the same within the period mentioned in the notice served;

(ii) if the management corporation fails to pay the property tax within the period aforesaid the Comptroller, without prejudice to its rights against the subsidiary proprietor of the lot or to the exercise of any remedy which may be available under any other written law, may recover the same from the management corporation.

Restriction on voting rights

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

(2) Where a subsidiary proprietor's interest is subject to a registered mortgage, the powers of voting conferred on him by the First Schedule to this Act shall, unless it is otherwise agreed in writing between him and the mortgagee first entitled in priority, be exercisable by that mortgagee, either personally or by proxy.

Power of Court where no person able to vote in respect of a lot

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

- (a) shall, in cases where a unanimous resolution required by this Act; and
- (b) may, in any other case,

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

Service of documents

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

(2) The provisions of subsection (3) of section 45 of the Land Titles Ordinance, 1956 (Ord. 21 of 1956), shall apply to such service.

Power of court where subdivided building damaged

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

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

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

(3) Where an application is made under subsection (1) of this section, any insurer who has effected insurance on the subdivided building or any part thereof (being insurance against damage to the

subdivided building or lots) to which the application relates shall have the right to appear on the hearing of the application.

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

29.—(1) For the purposes of this Act, a subdivided building shall be deemed to be destroyed on the happening of the following events:—

- (a) when the subsidiary proprietors by unanimous resolution resolve that the subdivided building be destroyed; or
- (b) when on an application made by the management corporation, a subsidiary proprietor or a registered mortgagee, the court, on being satisfied that having regard to the rights and interests of the subsidiary proprietors as a whole it is just and equitable that the subdivided building shall be deemed to have been destroyed, makes a declaration to that effect.

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

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

(c) Upon the entry of such memorial —

- (i) 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 units and for the same term and tenure held by him in respect of his lot;

- (ii) any subsisting encumbrance registered against his lot shall be an encumbrance on his share in the registered land comprising the parcel, and a memorial or notification of the encumbrance entered in the volume and folium of the land-register comprising such registered land shall bear the

same date as the date of registration of such encumbrance against his lot.

- (d) The former subsidiary proprietors may by unanimous resolution direct the management corporation to transfer the parcel or any part thereof.
 - (e) The management corporation, if it is satisfied that the resolution was duly passed, and that all persons having registered interests in the parcel have consented in writing to the release of their respective interests in the registered land comprising the parcel or any part thereof, intended to be transferred, shall execute the appropriate transfer, and the transfer 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.
 - (f) Every transfer executed by the management corporation pursuant to paragraph (e) of this subsection shall not be accepted for registration unless accompanied by a certificate in the prescribed form under the seal of the management corporation that the resolution was duly passed and that all necessary consents were given, and such certificate shall in favour of a purchaser of the parcel and in favour of the Registrar be conclusive evidence of the facts stated therein.
- (3) When registered land or any part thereof is transferred by a former subsidiary proprietor or the management corporation after a notice of destruction of the subdivided building has been lodged with the Registrar —
- (a) the former subsidiary proprietor, if he is transferring, shall surrender to the Registrar his duplicate subsidiary strata certificate of title relating to his lot;

(b) the management corporation, if it is transferring on behalf of all the former subsidiary proprietors, shall surrender to the Registrar on behalf of all the former subsidiary proprietors their duplicate subsidiary strata certificates of title; and

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(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 respective folium 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.

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

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(5) On transfer of the parcel pursuant to a direction under paragraph (d) of subsection (2) of this section the management corporation shall continue in existence for so long as is reasonably necessary to wind up its affairs and shall then be dissolved, and the Registrar shall cancel the relevant record of the subsidiary strata land-register.

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(6) The court, on the application of the management corporation or its administrator, a former subsidiary proprietor or a former mortgagee, may by order make provision for the winding up of the affairs of the management corporation.

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(7) In this section —

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

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“former subsidiary proprietor” means a person who, or a body which, immediately before the subdivision of a subdivided

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building is terminated under this section, is the subsidiary proprietor of a lot, forming part of the subdivided building.

Offences

5 **30.** If default is made in complying with any of the provisions of section 19, 23 or 24 of this Act the management corporation and every member of its council who is knowingly a party to the default shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding five hundred dollars.

Legal proceedings

10 **31.—(1)** Every application to the court under this Act shall be by summons-in-chambers.

15 (b) 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 recoverable by an action for debt in any court of competent jurisdiction.

PART V

MISCELLANEOUS

Issue of subsidiary certificate of title to registered lease

20 **32.—(1)** A registered lessee registered as such on the date of the coming into operation of this Act, may by an application in the prescribed form apply to the Registrar for the issue of a subsidiary certificate of title in respect of the registered leasehold estate to his flat.

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

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

(4) The subsidiary certificate of title shall be in the prescribed form and on issue of such subsidiary certificate of title any assurance or other dealing affecting the leasehold estate comprised therein shall be subject to the provisions of the Land Titles Ordinance, 1956 (Ord. 21 of 1956).

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Surrender of unregistered land to Singapore for the issue of title on subdivision of building thereon

33.—(1) Where a proprietor of unregistered land on which a subdivided building has been erected or is in the course of erection, on the date of the coming into operation of this Act, has not presented for registration under the provisions of the Registration of Deeds Ordinance (Cap. 55) an assurance of a flat or flats comprised in the subdivided building —

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- (a) no assurance of such a flat shall be capable of being registered under the provisions of the Registration of Deeds Ordinance (Cap. 55); and
- (b) the Registrar of Deeds shall have the power to refuse to register such assurance when presented for registration.

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(2) The proprietor, for the purpose of dealing with the building in parts, shall be required to surrender the Crown or State title relating to such land to the President, and the President, if satisfied with the title of the proprietor and on payment by the proprietor of all costs and expenses of, or consequent on, such surrender, shall issue a new title in lieu thereof.

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(3) Where the unregistered land has been surrendered pursuant to subsection (2) of this section a Collector's certificate issued by the Collector of Land Revenue or a grant or lease issued by the President, as the case may be, shall be forwarded by the Commissioner to the Registrar who shall thereupon bring the land comprised therein under the provisions of the Land Titles Ordinance, 1956 (Ord. 21 of 1956), and deliver the relevant duplicate certificate of title to the person entitled thereto.

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(4) On the issue of the certificate of title mentioned in subsection (3) of this section the proprietor may deal with any part

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of the land comprising part of the subdivided building subject to the provisions of this Act.

(5) (a) The provisions of the foregoing subsections shall not apply to a leasehold title having less than an unexpired term of thirty years as at the date of the intended surrender referred to in subsection (2) of this section.

(b) The Commissioner may issue to the proprietor a certificate to the effect that the provisions of this section do not apply to the leasehold title held by him.

(c) On production of such a certificate to the Registrar of Deeds the proprietor shall have the right to present for registration an assurance of any part of his unregistered land in the Registry of Deeds.

(6) In this section —

“unregistered land” means land which has not been brought under the provisions of the Land Titles Ordinance, 1956 (Ord. 21 of 1956);

“Registrar of Deeds” means the Registrar appointed under the Registration of Deeds Ordinance (Cap. 255);

“Commissioner” means the Commissioner of Lands, Singapore;

“assurance” has the same meaning as in the Registration of Deeds Ordinance.

Special provision for disposal of flats by the Housing and Development Board

34.—(1) The restriction relating to an assurance of a flat imposed by subsection (2) of section 6 of this Act shall not apply to any such assurance made by the Board.

(2) Where an application is made by the Board pursuant to section 6 of this Act and the plan so lodged is registered as a strata title plan, the provisions of sections 46 and 47 of the Housing and Development Ordinance, 1959 (Cap. 255), in so far as they affect the subdivided building and the common property comprised in the registered strata title plan shall be deemed to be repealed by the provisions of this Act.

(3) In this section “Board” means the Housing and Development Board incorporated under the Housing and Development Ordinance, 1959.

Rules

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

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

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

FIRST SCHEDULE

(SECTION 18)

MANAGEMENT CORPORATION

1. In the application of this Schedule to any particular management corporation —

“corporation” means the management corporation in question; 20

“council” means the council of the corporation;

“general meeting” means a general meeting of the corporation;

“proprietor” means a subsidiary proprietor who is a member of the corporation.

2. The corporate name of the corporation shall be “The Management Corporation — Strata Title No. ”, the number to be specified being the serial number of the relevant strata title plan. 25

3.—(1) Subject to the provisions of this paragraph, the council shall consist of not less than three nor more than seven proprietors, who shall be elected at each annual general meeting and shall cease to hold office at the next annual general meeting. 30

FIRST SCHEDULE — *continued*

(2) Where —

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

5 the council shall consist of all the proprietors.

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

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

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

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

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

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

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

- (a) two, where there are not more than four members;
- (b) three, where there are five or six members; and
- (c) four, where there are seven members.

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

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

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

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

FIRST SCHEDULE — *continued*

- (a) delegate to any one or more of its members the exercise of any of its powers or the performance of any of its duties; and
- (b) revoke the delegation at any time.
7. The council may employ for and on behalf of the corporation such agents and servants as it thinks fit in connection with the exercise of the powers and the performance of the duties of the corporation. 5
- 8.—(1) The council shall keep minutes of its proceedings and shall cause minutes to be kept of general meetings.
- (2) The council shall — 10
- (a) cause proper books of account to be kept in respect of all sums of money received and expended by it, specifying the matters in relation to which the receipts and expenditure take place; and
- (b) on the application of a 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. 15
- (3) The council shall prepare for each annual general meeting proper accounts relating to all moneys of the corporation and the corporation's income and expenditure.
- (4) The accounts of the corporation shall be audited annually by auditors appointed by the council. 20
- 9.—(1) The corporation shall hold an annual general meeting for the consideration of accounts, the election of the council and the transaction of such other business as may arise.
- (2) The first annual general meeting shall be held within three months after registration of the strata title plan and subsequent annual general meetings shall be held once in each year: 25
- Provided that not more than fifteen months shall elapse between the date of one annual general meeting and the next.
- 10.—(1) A general meeting other than the annual general meeting shall be known as an extraordinary general meeting. 30
- (2) The council —
- (a) shall convene an extraordinary general meeting upon a requisition in writing made by proprietors who are together entitled to at least twenty-five per cent of the share units; and 35
- (b) may convene such a meeting on such other occasions as it thinks fit.

FIRST SCHEDULE — *continued*

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

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

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

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

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

14.—(1) A resolution at a general meeting shall be decided on a show of hands unless a poll is demanded by a proprietor or his proxy.

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

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

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

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

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

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

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

FIRST SCHEDULE — *continued*

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

17.—(1) Co-proprietors may vote by means of a jointly appointed proxy. 5

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

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

(3) On a poll each co-proprietor shall be entitled to such number of the votes attaching to his parcel as is proportionate to his interest in the parcel (fractions being disregarded). 10

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

Provided that where there is only one member of the corporation, his presence and signature shall be sufficient. 15

19. A special resolution of the corporation is a resolution passed at a general meeting of which at least fourteen days' notice specifying the proposed special resolution has been given by proprietors who are together entitled to not less than three-quarters of the share units and who together constitute not less than three-quarters of the membership. 20

SECOND SCHEDULE

(SECTIONS 19 AND 22)

BY-LAWS REGULATING SUBDIVIDED BUILDING IN
REGISTERED STRATA TITLE PLAN

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PART 1

PRELIMINARY

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

“building” means the subdivided building in a registered strata title plan in question; 30

“corporation” means the management corporation of the building;

“lot” means a lot in the building;

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

SECOND SCHEDULE — *continued*

(2) Except in paragraph (g) of by-law 2 of these By-laws, references in these By-laws (however expressed) to a subsidiary proprietor shall, where the context so admits, in the case of a lot occupied by a person who is not a subsidiary proprietor, be construed as including the occupier of such lot.

5 2. A proprietor shall —

(a) permit the corporation and its agents at all reasonable times and on reasonable notice being given (except in case of emergency when no notice shall be required) to enter his lot for the purpose of —

10 (i) inspecting the lot;

(ii) maintaining, repairing or renewing sewers, pipes, wires, cables and ducts used or capable of being used in connection with the enjoyment of any other lot or the common property;

(iii) maintaining, repairing or renewing the common property; or

15 (iv) executing any work or doing any act reasonably necessary for or in connection with the performance of its duties or the enforcement of these By-laws or other by-laws affecting the building;

(b) forthwith carry out all work ordered by any competent public or statutory authority in respect of his lot other than such work for the benefit of the building generally and pay all assessments charges and outgoings which are payable in respect of his lot;

20 (c) repair and maintain his lot and keep the same in a state of good repair, reasonable wear and tear, and damage by fire, storm, tempest or act of God excepted;

(d) use and enjoy the common property in such a manner as not to interfere unreasonably with the use and enjoyment thereof by other proprietors or their families or visitors;

25 (e) not use his lot or permit the same to be used in such manner or for such purpose as to cause a nuisance or danger to any other proprietor or the family of such proprietor;

30 (f) not use his lot for any purpose contrary to the terms of user of the lot shown in the plan approved by the Competent Authority pursuant to subsection (1) of section 9 of the Planning Ordinance 1959, (Cap. 255);

(g) notify the corporation forthwith of any change in the proprietorship of his lot or of any other dealing with his lot of which he is aware.

SECOND SCHEDULE — *continued*

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

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

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

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5. The corporation shall —

(a) maintain in a state of good and serviceable repair the fixtures and fittings (including lifts) existing on the parcel and used or capable of being used in connection with the enjoyment of more than one lot or the common property;

(b) where practicable, the corporation shall establish and maintain suitable lawns and gardens on the common property;

(c) maintain, repair and (where necessary) renew sewers, pipes, wires, cables and ducts existing on the parcel and used or capable of being used in connection with the enjoyment of more than one lot or the common property;

(d) on the written request of the proprietor or a registered mortgagee of his lot, the corporation shall produce to the proprietor or mortgagee, as the case may be, (or to a person authorised in writing by the proprietor or mortgagee) all policies of insurance effected by the corporation together with the receipts for the last premiums paid in respect of the policies.

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PART 2

6. A proprietor shall not —

(a) use his lot for any purpose (illegal or otherwise) which may be injurious to the reputation of the building;

(b) use as fuel any substance or material which may give rise to smoke or fumes or obnoxious smells;

(c) throw or allow to fall any refuse or rubbish of any description on the common property or any part thereof except in refuse bins maintained by the proprietor or in refuse chutes provided in the building;

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SECOND SCHEDULE — *continued*

- (d) keep any animal on his lot or the common property which may cause annoyance to any other proprietor.
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EXPLANATORY STATEMENT

This Bill seeks to facilitate the subdivision of registered land on which flats are erected into strata and to provide for the registration of title relating to parts of the subdivided building and the disposition of such title. Provision is also made for the management and maintenance of flats and common services relating to them.

The Bill provides on the lodgement of the strata title plan, for the issue of subsidiary certificates of title by the Registrar of Titles in favour of flat owners whereby all transactions relating to such flats may be registered.

The Bill also provides for implied easements necessary to the flats including the easements of support and shelter, and for the passage of pipes, cables, wires and sewers.

Provision is also made for a Management Corporation consisting of all the flat owners to be responsible for the maintenance of the flats and other related duties.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
