

Land Titles (Strata) (Amendment) Bill

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Bill No: 22/1995

Read the first time: 25th May 1995

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Expenditure of Public Money

Land Titles (Strata) (Amendment) Bill

Bill No. 22/1995

Read the first time on 25th May 1995.

An Act to amend the Land Titles (Strata) Act (Chapter 158 of the 1988 Revised Edition) and to make related amendments to the State Lands Act (Chapter 314 of the 1985 Revised Edition) and the Central Provident Fund Act (Chapter 36 of the 1994 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Land Titles (Strata) (Amendment) Act 1995 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

New sections 126A and 126B

2. The Land Titles (Strata) Act is amended by inserting, immediately after section 126, the following sections:

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

126A.—(1) In the application of section 126 to any designated land which is vested in the 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 building 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 pursuant to 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 pursuant to section 126(1).

(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 pursuant to 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.

(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, and if such costs or expenses or any part thereof is 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.

(4) For the purposes of paying the costs and interest referred to in subsections (2) and (3), the management corporation shall determine the amount of contributions payable by the subsidiary proprietors who are members of the management corporation; and any contributions so levied by the management corporation shall be deemed to be contributions levied under section 48(1)(r).

(5) In this section and sections 126B and 129 —

“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 section 126A 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.

Application of HUDC Housing Estates Act and Housing and Development Act after registration of strata title plan or issue of subsidiary strata certificate of title

126B.—(1) Upon the registration of the strata title plan 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 this Act, 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 this Act as a member of the council of the new management corporation;
- (d) all by-laws relating to the land pursuant to the provisions of the HUDC Housing Estates Act 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 plan;
- (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 plan may be recovered by the new management corporation as if it were a contribution levied by the new management corporation under this Act;
- (f) any charge constituted upon a flat in favour of such body corporate under the provisions of the HUDC Housing Estates Act [Cap. 131] 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 this Act;
- (g) every fund which was, immediately before the registration of the strata title plan, 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 this 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 plan shall continue and deemed to have been effected under this Act, and sections 71 and 72 shall not apply to or in respect of the new management corporation for that housing estate until the expiry of that policy.

(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 plan in respect of such designated land.

(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.”.

Amendment of section 129

3. Section 129 of the Land Titles (Strata) Act is amended by inserting, immediately after the words “stamp duty”, the words “except where the transfer relates to any designated land”.

Related amendment to State Lands Act

4. The State Lands Act [Cap. 314] is amended by inserting, immediately after section 13, the following section:

“Surrender of a State lease with a view to the grant of a new State lease

13A.—(1) A State lease may be surrendered, whether before or after the commencement of this section, with a view to the acceptance of a new State lease in place thereof, without a surrender of any under-lease derived thereout.

(2) A new State lease may be granted and accepted, in place of any State lease so surrendered, without any such surrender of an under-lease as aforesaid, and the new State lease operates as if all under-leases derived out of the surrendered State lease had been surrendered before the surrender of that State lease was effected.

(3) The lessee under the new State lease and any person deriving title under him shall be entitled to the same rights and remedies in respect of the rent reserved by and the covenants, agreements and conditions contained in any under-lease as if the original State lease had not been surrendered but was or remained vested in him.