

Land Titles (Strata) (Amendment) Bill

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Bill No: 10/1986

Read the first time: 5th May 1986

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Land Titles (Strata) (Amendment) Bill

Bill No. 10/1986

Read the first time on 5th May 1986.

An Act to amend the Land Titles (Strata) Act (Chapter 277 of the 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 1986 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 3

2. Section 3 of the Land Titles (Strata) Act (referred to in this Act as the principal Act) is amended —

(a) by deleting sub-paragraphs (i) and (ii) of paragraph (c) of the definition of “common property” and substituting the following sub-paragraphs:

“(i) foundations, columns, beams, supports, walls, roofs, lobbies, corridors, stairs, stairways, fire escapes, entrances and exits of the building;

(ii) car parks, recreational or community facilities, gardens, parking areas, roofs, storage spaces and rooms for the use of a management corporation and its members;”;

- (b) by inserting, immediately after the definition of “common property”, the following definition:

“ “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 secretary or other officer duly appointed for that purpose;”;

- (c) by inserting, immediately after the definition of “competent authority”, the following definition:

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

- (d) by inserting, immediately after the definition of “flat”, the following definition:

“ “initial period”, in relation to a management corporation, means the period of 24 months commencing on the day on which the management corporation is constituted;”;

- (e) by deleting the definition of “management corporation” and substituting the following definitions:

“ “management corporation”, in relation to any one or more subdivided buildings shown on a strata title plan, means the management corporation incorporated for those buildings pursuant to Part IV or pursuant to any corresponding previous written law;

“managing agent” means a managing agent appointed by a management corporation under section 57 or by the Commissioner under section 58;

“Minister” means —

- (a) except in Parts IV and VI, the Minister charged with the responsibility for administering this Act; and
- (b) in Parts IV and VI, the Minister charged with the responsibility for administering the

Buildings and Common Property (Maintenance and Management) Act 1973 (Act 23 of 1973);”;

- (f) by deleting the definition of “proprietor” and substituting the following definition:

“ “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 plan under section 8;”;

- (g) by deleting the definition of “special resolution” and substituting the following definitions:

“ “special resolution” means a resolution passed at a duly convened general meeting of a management corporation of which at least 21 days’ notice specifying the proposed resolution has been given and against which not more than one-fourth in value, ascertained in accordance with paragraph 10(2), (3) and (4) of the Third Schedule, of votes is cast;

“strata roll”, in relation to a subdivided building or buildings shown on a strata title plan, means the roll referred to in section 43 which relates to that plan;”;

- (h) by deleting “45” in the third line of the definition of “subsidiary certificate of title” and substituting “80”; and

- (i) by deleting the definition of “unanimous resolution” and substituting the following definition:

“ “unanimous resolution” means a resolution which is passed at a duly convened general meeting of a management corporation of which at least 21 days’ notice specifying the proposed resolution has been given and against which no vote is cast.”.

Amendment of section 6

3. Section 6(5) of the principal Act is amended by deleting the words “the provisions of sections 49 and 50 of this Act, the provisions of” in the first and second lines and substituting the words “sections 83, 84, 85 and 86,”.

Repeal and re-enactment of section 7

4. Section 7 of the principal Act is repealed and the following section substituted therefor:

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

7.—(1) Where planning permission has been granted on or after 15th April 1976 by the relevant authority in respect of any proposed development of land for strata subdivision after the completion of any building thereon, the registered proprietor thereof shall not sell any flat in the building (whether erected or in the course of erection) unless a schedule of strata units showing the proposed share values to be allotted to all the flats in the building has been filed with and accepted by the Commissioner.

(2) A schedule of strata units filed by the registered proprietor on any land pursuant to subsection (1) shall not be accepted by the Commissioner for filing unless he is satisfied that the proposed share values allotted to all the flats in a building referred to in the schedule are allocated in a just and equitable manner.

(3) The Commissioner shall consult with the Registrar before accepting any schedule of strata units for filing under this section.

(4) Where a flat is sold on or after the commencement of the Land Titles (Strata) (Amendment) Act 1986 in contravention of subsection (1), the purchaser of the flat may, notwithstanding anything contained to the contrary in the contract of sale, at any time before the completion of the sale and purchase rescind the contract of sale and in the event that the purchaser elects to rescind the contract, he shall be entitled to recover all moneys paid by him and shall be entitled to recover damages from the vendor.

(5) Every contract made on or after the commencement of the Land Titles (Strata) (Amendment) Act 1986 for the sale of a flat referred to in a schedule of strata units filed with the Commissioner pursuant to subsection (1) shall be deemed to have included therein a term that the registered proprietor of the land has agreed to sell an undivided share in the land on which the building is erected with a value determined in accordance with the proposed share values assigned to each flat shown in the schedule of strata units filed with and accepted by the Commissioner at any time prior to the execution of the contract for sale.

(6) Any person who contravenes subsection (1) shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both.

(7) A schedule of strata units filed with and accepted by the Commissioner