LAND LAW AND SURVEY REGULATION (SBEU 4313)

WEEK 6 & 8 - STRATA TITLES ACT & LAND (SUBSIDIARY TITLE) ENACTMENT 1972

SR DR. TAN LIAT CHOON
07-5543157
016-4975551
OUTLINE

• Introduction of Strata Title

• Interpretation (S4)

• Changes in Strata Titles (Amendment) Act 2013 [Act A1450]

• Limited Common Property (S17A)

• Land Parcels With Shared Basement

• Strata Titles (Amendment) Act 2016 [Act A1518]
STRATA TITLES ACT 1985
(Act 318)
As at 5th April 2018
INTRODUCTION OF STRATA TITLE
Introduction

The development of high-rise buildings in high-density areas is a measure to optimise the land use and enhance the living standard. In residential areas, occupants of high rise buildings are normally small families who wish to enjoy a better life-style and have easy access to recreational facilities.
History

- Since the Federated Malay States Land Code 1926 did not provide for strata title ownership, various mechanisms were put in place to meet the increasing demand for high-rise buildings.

- The Malaysian strata title registration, which owed its origin to the Australian New South Wales Conveyancing (Strata Titles) Act 1961, was first introduced in Peninsular Malaysia on 1st January 1966 by the National Land Code 1965 (Act 56) under Section 355 to Section 374 that dealt with subsidiary titles to each of the parcels within a building having two or more storeys.
History


- The provisions on strata titles in the National Land Code 1965 (Act 56) were amended several times in 1977 (Act A386), in 1979 (Act A444) and in 1981 (Act A518) before they were repealed in 1985 (Act 318).

- This legislation was enacted on 22nd May 1985, published in the Federal Gazette on 30th May 1985 and came into force on 1st June 1985.
History

- **1 JUN 1966**: Subsidiary titles' in a subdivided building
- **1 JUN 1985**: Strata titles in a subdivided building into parcels
- **23 FEB 1990**: Provisional strata title for provisional block in a phase development
- **2 AUG 1996**: Application allowed with QT and Certified Plan
- **1 DEC 2001**: Strata Title Board
- **12 APR 2007**: Land parcel & Act 663
- **1 JUN 2015**: Limited Common Property, Sub-MC, SiFUS
- **1 JAN 2017**: Parcel Rent, Special Plan, Land Acquisition Strata Scheme

Acts:
- NLC [Act 56]
- STA 1985 [Act 318]
- Act 753
- Act 951
- Act 1107
- Act 1290
- Act 1450
- Act 1518

Dates:
- 1 DEC 2001
- 12 APR 2007
- 1 JUN 2015
- 1 JAN 2017

Other:
- 1 JUN 1966
- 1 JUN 1985
- 1 JUN 1990
- 23 FEB 1990
- 2 AUG 1996
- 1 DEC 2001
- 12 APR 2007
Strata Titles (Amendment) Act 1990 (Act A753)

The various amendments introduced by the 1990 amendment were aimed at further improving the procedures and processing of applications for the subdivision of buildings, to further safeguard the interests of purchasers of the strata scheme, improve certain aspects of the management of a strata scheme, remove ambiguities in the provisions themselves, and do away with the provisions that are anomalous when viewed in the context of the general legislative framework of the Strata Titles Act 1985 (Act 318) as a whole.
Strata Titles (Amendment) Act 1996 (Act A951)

The 1996 amendment enabled the developers of a building to submit an application for such titles even if the land was still held under a Qualified Title or if the Certificate of Completion and Compliance for occupation had not been issued. However, before approval could be granted in respect of the application, the final titles to the land had to be registered and the Certificate of Completion and Compliance issued, among other requirements.

As for the issuing of strata titles for mixed developments, comprising multi-storey buildings, the 1996 amendment resolved the problem by allowing strata titles to be issued for single storey buildings if they were part of the same strata scheme.

The 1996 amendment also streamlined the rules governing the functioning of the management corporation charged with the administration of a strata scheme. Procedures for voting and the tabling of special resolutions were changed to allow for a more flexible decision-making process among council members of the Management Corporation.
Strata Titles (Amendment) Act 2001 (Act A1107)

- The 2001 amendment primarily provided for the establishment of a Strata Titles Board to settle disputes, its jurisdiction as well as matters pertaining to the proceedings and representation before the Board.

- Provisions were also made to empower the Director of Land and Mines in a State and the Land Administrator in the Federal Territory to appoint a managing agent to exercise the functions of the management corporation in the event that the management corporation did not function properly. For the prosecution of offences under the Strata Titles Act 1985 (Act 318), the written consent of the Public Prosecutor is required.
The 2007 amendment changed ‘and the Federal Territory of Kuala Lumpur’ to ‘and the Federal Territory of Kuala Lumpur and Federal Territory of Putrajaya’, and inserted after the word ‘building’ the phrase ‘or land’.

In this case, any alienated land having two or more buildings held as one lot under the final title shall be capable of being subdivided into land parcels with buildings of not more than four storeys held under the same strata scheme.

Provisions have also been made in the operation of the Computerisation System of Strata Titles in any land registry with the insertion of the new Fifth Schedule, which allows making an entry on a Document of Title under the Computerisation System of Strata Titles.
Strata Titles (Amendment) Act 2007 (Act A1290)

- In the 2007 amendment, there are three types of application to be made in the subdivision of a property, where the application involved (a) building only, (b) buildings and land, or (c) land only.

- Finally, plans are afoot to enact legislations to overcome the problem of maintaining common areas in high-rise developments before the setting up of the management corporation. This will alleviate the problems of maintenance and provision of services for the residents.

- The Building and Common Property (Maintenance and Management) Act 2007 (Act 663) came into being, along with the 2007 amendment on 12th April 2007 to provide for the proper maintenance and management of buildings, lands and common properties in a strata scheme.
Definition Of “STOREY” For Land Parcel

Mean a unit which is comprised there in a subdivided land on which there is a completed building of not more than four storey (excluding shared basement) which is held under a strata title.
Definition Of Land Parcel In Section 4 (New Provision) Amended Strata Title Act

Lot 123, Geran 4567 Bandar XYZ

<table>
<thead>
<tr>
<th>TITLE NO.</th>
<th>BUILD NO.</th>
<th>STOREY NO.</th>
<th>PARCEL NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRN 4567</td>
<td>-</td>
<td>-</td>
<td>L6</td>
</tr>
</tbody>
</table>

Land parcel

Building parcel

Strata Title for LAND PARCEL

Strata Title for BUILDING PARCEL

<table>
<thead>
<tr>
<th>TITLE NO.</th>
<th>BUILD NO.</th>
<th>STOREY NO.</th>
<th>PARCEL NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRN 4567</td>
<td>M3</td>
<td>3</td>
<td>18</td>
</tr>
</tbody>
</table>
Scheme A  [Section 6(1) – First limb]
Scheme B [Section 6(1) – Second limb]
Previously

- **Bangunan M1**: One block of five storey consisting of 40 units (8 units per storey)
- **Club House**: On common property
- **Single Storey Buildings**
- **Open Car Park**
- **Guard Room**
Strata Titles (Amendment) Act 2007

Under the amended section 6(1)

Land Parcel (1-storey Bungalow)

Land Parcel (4-storey bungalow)

Club House on Common Property

Bangunan M1

Land Parcel (Semi D)

Land Parcel (Terrace)
Strata Titles (Amendment) Act 2007

Scheme C    New section 6(1A)
Strata Titles (Amendment) Act 2013 (Act A1450)

- The Strata Titles (Amendment) Act 2013 was published in the Gazette on 7th February 2013 as Act A1450 and with the approval of the National Land Council, appoints 1st June 2015 as the date on which the Act comes into operation in the States of Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Selangor, Terengganu, Federal Territory of Kuala Lumpur, Putrajaya and Labuan.
Strata Titles (Amendment) Act 2016 (Act A1518)

1 April 2016: Approval of Bill
28 April 2016: Approval of Bill
26 Mei & 20 Jun: Approval of Lower House and Upper Of The Parliament
31 Ogos 2016: Approval for Gazette of STA 1985 amendment
9 September 2016: Gazetted of ST(A) Act 2016
1 Januari 2017: Commencement date
Interpretation

**Subdivided Building or Land** means a building or land as subdivided in strata scheme.

**Parcel** in subdivided building or land means one of the individual units (except accessory parcel) is held under separate strata title.

**Land Parcel** means a unit delineated within the lot in which is comprised a building of not more than four storeys which is held under a strata title; which may have shared basement, comprises accessory parcels and common properties.
Interpretation

Accessory Parcel means which is used or intended to be used in conjunction with a parcel.

Common Property means property not comprised in any parcel (including any accessory parcel), or any provisional block as shown in a certified strata plan.

Limited Common Property means common property that is for the exclusive benefit of the proprietors of two or more, but not all, parcels.

Provisional Block means a block in respect of a building or land proposed to be constructed, for which a separate provisional strata title is applied.
Sec. 4: 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.

Source from JUPEM
Part II
APPLICATION FOR SUBDIVISION OF A BUILDING OR LAND

Section 6
What is capable of being subdivided?

Section 7
Who can apply for subdivision?

Section 8
Circumstances for subdivision

Section 8A
Application for CPSP

Section 9
Application for subdivision

Section 9A
Application for Subdivision for Phased Development

Section 9B
Application for Subdivision for Low-Cost building

Section 10
Approval Conditions

Section 11
Withdrawal of applications

Section 12
Powers of Director of Lands & Mines

Section 13
Actions after approval

Section 14
Issue of strata titles

Section 14
Issue of strata titles

Part II
APPLICATION FOR SUBDIVISION OF A BUILDING OR LAND

Section 6
What is capable of being subdivided?

Section 7
Who can apply for subdivision?

Section 8
Circumstances for subdivision

Section 8A
Application for CPSP

Section 9
Application for subdivision

Section 9A
Application for Subdivision for Phased Development

Section 9B
Application for Subdivision for Low-Cost building

Section 10
Approval Conditions

Section 11
Withdrawal of applications

Section 12
Powers of Director of Lands & Mines

Section 13
Actions after approval

Section 14
Issue of strata titles

innovative ● entrepreneurial ● global
Part IV
Provisional Block: Issuance of Strata Titles

Section 20
Compulsory for proprietor of provisional block to apply strata title

Section 20A
Application for CPSP

Section 20B
Application for Subdivision of building

Section 21
Power Of Director

Section 22
Action By Director of Survey

Section 23
Modification and cancellation of Strata Register
Part IVA
COLLECTION OF RENT

Section 23A
Interpretation

Section 23B
Rent to be debt due to State Authority

Section 23C
Determination and computation of rent

Section 23D
Where to pay rent

Section 23E
Notice of demand

Section 23F
Right of charges and lessees

Section 23G
Effect of payment of sum demanded

Section 23H
Forfeiture for non-payment of sum demanded

Section 23I
Power of State Authority to revise rent periodically

Section 23J
Effect of termination of subdivision
Part IVB
FORFEITURE AND VESTING

Section 23L
Reversion to State Authority and Vesting

Section 23M
Effect of Forfeiture

Section 23K
Interpretation

Section 23O
Power of State Authority to annul forfeiture

Section 23P
Appeal against forfeiture

Section 23N
Parcel or provisional block not to be transferred
Part V
SUBDIVIDED BUILDING OR LAND : DIVISION AND AMALGAMATION OF PARCEL

Section 24
Interpretation

Section 25
Power To Divide And Amalgamate

Section 26
Effect Of Division Or Amalgamation

Section 27
Conditions For Approval

Section 28
Application For Approval

Section 29
Action By Director Of Survey

Section 30
Land Administrator to Transmit Application to Director

Section 31
Power Of Director in Application

Section 32
Preparation Of New Certified Strata Plan

Section 33
Modification Of Strata Register

Section 33A
Effect Of Registration

Section 30
Preparation Of New Certified Strata Plan

Section 31
Power Of Director in Application

Section 32
Preparation Of New Certified Strata Plan

Section 33
Modification Of Strata Register

Section 33A
Effect Of Registration

Section 30
Preparation Of New Certified Strata Plan

Section 31
Power Of Director in Application

Section 32
Preparation Of New Certified Strata Plan

Section 33
Modification Of Strata Register

Section 33A
Effect Of Registration
Part VI
RIGHTS AND OBLIGATIONS ATTACHING TO INDIVIDUAL PARCELS AND PROVISIONAL BLOCKS

Section 34
Rights of Proprietor

Section 35
Rights of Support, Service and Shelter

Section 36
Share Unit Entitlements

Section 37
Restrictions on voting rights

Section 38
Power of Court
Part VIII
TERMINATION OF SUBDIVISION
OF SUBDIVIDED BUILDING OR
LAND

Section 56
Power of Court

Section 57A
Procedure of taking formal possession of strata scheme

Part VIIIa
EFFECT OF ACQUISITION OF
SUBDIVIDED BUILDING OR
LAND

Section 57
Termination of Subdivision

32
Part X
MISCELLANEOUS

Section 85
Transitional provision with respect to rules & orders

Section 84
Amendment of Forms

Section 83
Repeal and amendment of provisions of NLC

Section 82
Transitional provision

Section 81
Power of State Authority to make rules

Section 80A
Prosecution

Section 80
Power of entry by public or local authority

Section 79
Limitation Act 1953 not to extend to common property

Section 75
Legal Proceedings

Section 74
Jurisdiction of the Magistrate’s Court

Section 73
Other rights and remedies not affected by this Act

Section 70
No dealing in provisional block

Section 69
No dealing in accessory parcel independent of a parcel

Section 88
No dealing in accessory parcel independent of a parcel
Section 6
Building or Land Capable of Being Subdivided Into Parcels

6(1), (1A). What can be subdivided?

- Two(2) or more buildings
- On one lot of alienated land under final title

6(2). State Authority may prohibit the subdivision by making rules and publish in the *Gazette*
Section 6
Building or Land Capable of Being Subdivided Into Parcels

Source from JUPEM
4 (1) (2) What can be subdivided?

- any building thereon having such superficial area on the ground, or no superficial area on the ground as may be approved by the Director.
- any other building thereon used, or intended to be used, in conjunction with that building.
- Multi-storeyed buildings for use as multi-storey car-parks may be subdivided provided that the boundaries are defined by survey.
Section 7
Original Proprietor May Apply For Subdivision of A Building or Land

7(1). Who can apply for the subdivision

- The Original Proprietor

Section 8
Circumstances In Which It Is Compulsory To Apply For Subdivision of A Building or Land

8(1). When should apply?

- When there is a building capable of being issued with strata title.
- When the original proprietor has sold or agreed to sell any parcel
4(1). Who can apply for the subdivision

- The owner of any lease held as one lot under a title issued under the Land Ordinance [Cap. 68.]

4A. When should apply?

- (1) When at any time he has sold or intended to sell any parcel in such a building to any person.
- (2) Upon such application the owner shall deposit the requisite survey fees with the Surveyors Board.
- (3) Obtain approval of the subdivision after the occupation certificate is issued.
### 8(2). The period for the application

<table>
<thead>
<tr>
<th>PROVISIONS OF THE ACT</th>
<th>DATE OF COMMENCEMENT OF ACT A1450</th>
<th>WHEN IS APPLICATION COMPULSORY?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>S8(2)(a)</strong></td>
<td><strong>SPA</strong></td>
<td>3 MONTHS FROM THE DATE OF ISSUANCE OF THE DOCUMENT THAT CERTIFIES THE SUPER STRUCTURE STAGE</td>
</tr>
<tr>
<td><strong>S8(2)(b)</strong></td>
<td><strong>Building is completed</strong></td>
<td>3 MONTHS FROM THE DATE THE BUILDING IS COMPLETED</td>
</tr>
<tr>
<td><strong>S8(2)(c)</strong></td>
<td><strong>Building is completed</strong></td>
<td>3 MONTHS FROM THE DATE THE BUILDING IS COMPLETED OR SPA – WHICHEVER IS THE LATER</td>
</tr>
<tr>
<td><strong>S8(2)(d)</strong></td>
<td><strong>Building is completed</strong></td>
<td>3 MONTHS FROM THE DATE OF THE COMMENCEMENT OF THIS ACT</td>
</tr>
<tr>
<td><strong>S8(2)(e)</strong></td>
<td><strong>Building is completed</strong></td>
<td>3 MONTHS FROM THE DATE OF SPA</td>
</tr>
</tbody>
</table>

**in innovative ● entrepreneurial ● global**
Land (Subsidiary Title) Enactment 1972 (Amendments up to July 2010)

4A(4). The period for the application

<table>
<thead>
<tr>
<th>PROVISIONS OF THE ACT</th>
<th>DATE OF COMMENCEMENT</th>
<th>WHEN IS APPLICATION COMPULSORY?</th>
</tr>
</thead>
<tbody>
<tr>
<td>S4A(4)(a)(i)</td>
<td></td>
<td>6 MONTHS FROM THE DATE OF COMMENCEMENT OF THIS ENACTMENT.</td>
</tr>
<tr>
<td>S4A(4)(a)(ii)</td>
<td></td>
<td>6 MONTHS FROM THE DATE of Sale.</td>
</tr>
<tr>
<td>S4A(4)(b)(i)</td>
<td>Building is completed</td>
<td>BEFORE THE BUILDING IS CERTIFIED AS FIT FOR OCCUPATION.</td>
</tr>
<tr>
<td>S4A(4)(b)(ii)</td>
<td>Sale after Building is completed</td>
<td>BEFORE ANY SALE CAN BE ENTERED INTO</td>
</tr>
</tbody>
</table>
8(3). Within one month, the original proprietor with the CPSP issued must apply for subdivision.

8(4). The time frame for section 8(2) may be extended once with the period of less than one(1) month by Director of survey.

8(5). The time frame for section 8(3) may be extended once with the period of less than one(1) month by Director of survey.

8(6). The application shall not be approved if no fulfil the requirements in section 8A(1) & 9(1).

8(7). The original proprietor shall be guilty of an offence if failed to make the application within the time period in 8(2), 8(3), 8(4) and 8(5)
8(8). Penalty for offence in 8(7).

8(8) (a) Fine RM10,000 to RM100,000

Both fine and imprisonment

Penalty

Imprisonment < 3 years

Further fine of RM100 to RM1000 for continue offence

8(8) (b). Court may order the original proprietor to apply subdivision with the period specific in the order

8(9). The date which the building is completed shall be the date on which Certificate of Completion and Compliance is issued.
4A(5). The parcel is deemed to be sold by the owner if by an agreement in writing, or the owner has agreed to convey, transfer, assign or dispose of the parcel to another person.

4A(6). The date of the building is completed shall be the date of relevant authority certified the building is fit for occupation or use.

4A(7). The Director may extend the period of the compulsory date to apply subsidiary titles by not exceeding 6 months

4A(8). The original proprietor shall be guilty of an offence if failed to make the application within the time period in 4A(1)

Fine < RM5k

Fine

Further fine of <RM1,000 each day for continue offence
Section 8A
Application For Certificate of Proposed Strata Plan

8A(1) Application to Director of Survey

- Application for CPSP
- Form 10
- Survey Fee
- Approved original BP
- Plans of the building which certified by Professional Architect / Licensed surveyor
- Certification by a duly authorized officer of local planning authority
- Final title of the lot
- Document certify super structure stage
- CCC/CFO
- Schedule of Parcel

The case whereby the building or land parcels for erection of which planning permission was required

(f), (g), (h), (i) Certified copy of :

(e) Certification by Professional Architect / Engineer if

(d) Proposed strata plan with :

(c) if BP is not available
- Location plan
- Storey Plan
- Delineation Plan
which has respectively certified by land surveyor

innovative ● entrepreneurial ● global
8A(1)(d). A proposed strata plan shall certified by a land surveyor follow by:

i) made a **comparison** of the plans to the approved building plans prepared by a Professional Architect registered or a Professional Engineer

ii) a storey plan, that the boundaries of the parcels shown **follow the features** of permanent construction appearing in the building

iii) that the building or buildings are **situated wholly within the boundaries** of the lot in question.

iv) that each of the proposed parcels has adequate:
   a) **means of access** not passing through another parcel
   b) means of internal communication

v) that it has been **certified by a land surveyor** that the position of each provisional block as delineated on the location plan is wholly within the boundaries.
8A(1A). Director of Survey may give exemption on 8A(1)(e) and 8A(1)(h) for the case of (a) special building and (b) any other circumstances where he deems fit when approving the application.

8A(2). For subdivision, the proposed strata plan shall comprise location plan and delineation plan. For the subdivision of land with shared basement, a storey plan is needed.
8A (3) Location plan shall

(a) Specify lot number, land title number and area

(b) Delineate the boundaries, boundary marks of the lot and the position of all building

(c) For subdivision with shared basement, a vertical section of the building and basement shall be included

(d) Other details determined by the Director of survey
8A (4) Storey plan shall

(a) Specify lot number, land title number, building number and storey number

(b) Delineate boundary and show horizontal dimension without bearing

(c) Indicate in respect of each such parcel the number by which it is described in the plan

(d) Specify floor area of parcel

(e) Identify common property

(f) Other details which may be determined by the Director of survey
8A (5) Delineation plan shall

(a) Specify lot number, land title number and land parcel number

(b) Delineate land parcel by reference of bearing distance to the lot boundary

(c) Indicate in respect of each such parcel the number by which it is described in the plan

(d) Specify land parcel area

(e) Identify common property

(f) Other details which may be determined by the Director of survey
8A (6) Proposed strata plan shall

(a) Show a legend of all parcel, common property and accessory parcel

(b) Other details which may be determined by the Director of survey
8A (7) Where an accessory parcel

(a) consists of a building or parts thereof and is bounded by external walls, floors and ceilings, the dimensions and boundaries of such accessory parcel shall be shown in the proposed strata plan;

(b) does not consist of a building or parts:

(i) the external boundaries of the accessory parcel shall be ascertained from the building plans approved by the planning authority, and the accessory parcel shall be up to a reasonable height or to the extent of any projection above or encroachment below ground level by another part of the lot.

(ii) the proposed strata plan shall show a diagram of the accessory parcel with similar dimensions as those shown on the approved plans.
8A (8). The Director of survey shall check and carry out survey of the land or building and:

(a) Issue a certificate of proposed strata plan
(b) Issue a copy of such certificate to Land administrator
(c) Notify the Land administrator on the amount of fee to be collected

8A (9). Application involves provisional block(s) shall include:

(a) Approved building plan
(b) Location plan with legend
(c) Storey plan which shall delineate the external boundary of the provisional block
(d) Proposed strata plan with (i) bearing and distance from the proposed block to the lot boundary, (ii) area of the provisional block(s) and (iii) other details that may be determined by the Director of survey
Section 9
Application For Subdivision of building, etc.

9(1). Application to Land Administrator (Form 1)

(a) Fees as may be prescribed
(b) Fees notified by Director of survey
(c) CPSP
(d) Classification certificate of low-cost building if any
(h) CCC/CFO unless
   (1) under 8(2)(a)
   (2) special building
   (3) other circumstances where the Land Administrator think appropriate
(i) Schedule of parcel

(g) Certified copy of:
   (a) Fees as may be prescribed
   (b) Fees notified by Director of survey
   (c) CPSP
   (d) Classification certificate of low-cost building if any
   (e) Written consents of every person who are entitled to the benefit upon subdivision
   (f) Name and address of management corporation
   (g) Document of title of the lot

(e) Written consents of every person who are entitled to the benefit upon subdivision
(f) Name and address of management corporation
(g) Document of title of the lot
(h), (i) Schedule of parcel
6(1). Applications of subdivision – Form A to the Collector

(a) Fees as may be prescribed
(b) An Index plan
(c) Storey Plan
(d) Two additional copies of index plan and storey plan
(f) Issue document of title to the lot

Land (Subsidiary Title) Enactment 1972 (Amendments up to July 2010)
6 (2) Index plan shall

(a) Specify the Document of Title

(b) Delineate the boundaries and boundary marks of those buildings are to be subdivided.

(c) Specify the total superficial area of each building which is to be subdivided

(d) Include a vertical section of such building

(e) Contain such other details as may be prescribed
6 (3) Storey plan shall

(a) Specify lot number, land title number, building number and storey number

(b) Define the boundaries of each parcels by reference to walls of permanent construction

(c) Indicate in respect of each such parcel the number by described in Form A of the First Schedule

(d) Specify total area of each parcel

(e) Identify common property

(f) Contain such other details as may be prescribed
6 (4) The certification by a surveyor is required in index plan and storey plan. The certified storey plan has been compared to the original building plans made by the architect.

6 (5) The collector upon satisfy with the application of subdivision shall transmit the application and other documents to the Director.

6 (6) The Director upon receiving any application from the Collector shall cause a note of the making thereof to be endorsed on the register document of title.

6 (7) An accessory parcel consist of a building or parts is bounded by external walls, floors and ceilings, the dimensions and boundaries of such accessory parcel shall be shown in the proposed index and storey plan.
9(2). No application shall be made unless:

(a) the land is held under final title;
(b) the use of the land is not contrary to the land category and conditions
(c) the land is not subject to any charge or lien.

9(3). Upon receipt of an application, the Land Administrator shall endorse a note on the register document of title.

9(4). The Land Administrator shall transmit them to the Director together with his recommendations for approval or rejection.
Section 9A
Application For Subdivision In The Case Of Phased Developments

An application except where it relates to a low-cost building, shall include an application for the issue of provisional strata title for a provisional block in respect of a building or land, proposed to be, or in the course of being, erected on the lot in question.
Section 9B
Application For Subdivision In The Case Of Low-cost Buildings

9B (1). The State Authority may classify an application to be a low-cost building based on:
1) Location
2) Nature of construction
3) Cost of the building

9B (2). The State Authority may classify an application to be a low-cost building without prejudice to 9B (1).

9B (3). The State Authority shall issue a certificate that classified the building as low-cost building to the proprietor.
9B (4). The proprietor of the alienated land shall apply for subdivision under 9(1) upon received the certificate issued by the State Authority

9B (5). No building erected in a provisional block shall be classified to be a low-cost building.
Section 10
Conditions For Approval

10(1). Approval conditions

- (a) CPSP issued
- (b) Not contravene any condition or restriction
- (c) Not contrary to the provisions of any written law
- (d) No item of land revenue is outstanding
- (e) Written consents of every person who are entitled to the benefit upon subdivision
- (f) Land with remaining period not less than twenty-one (21) years
- (g) Land not subject to any charge or lien
- (h) Proposed share units are equitable
- (i) Land is held under final title
5(1). Approval conditions of subdivision

(a) the subdivision would not contravene any restriction in interest to which the land comprised in that lot

(b) Not contrary to any other written law

(c) No item of land revenue is outstanding
10(2). Approval conditions for application involving provisional block(s)

(i) Given the date to which provision block(s) relate will be completed
(ii) Paid deposit of provisional block(s) to Director
(iii) Furnished a written statement that he agrees with the amount to be forfeited to the government if CCC has not been issued.
Section 11
Withdrawal Of Applications

11(1). The application under subsection 9(1) can only be capable of being withdrawn with the concurrence of the Director.

11(2). Upon withdrawal, the Director shall notify the Registrar or Land Administrator for the cancellation of the register document.
Section 12
Powers Of Director Of Lands And Mines In Relation To Applications

12(1). Once received the subdivision application, the director shall:

(a) Approve if the conditions are satisfied.

(b) Reject if not satisfied

12(2). Once approved, the Director shall request the Director of Survey to prepare certified strata plan.

12(3). Once rejected, the Director shall (a) notify the Land Administrator to cancel the document and (b) refund all fees for the preparation and registration.
7. Powers of Director in relation to applications

7(1) (a). Approve if the conditions are satisfied.

(i) An adequate means of access
(ii) Adequate means of internal communication not passing the common property
(iii) such minimum superficial areas

Approved by the Director

7(1). On any subdivision application, the Director shall:

(b) Reject if not satisfied

(2) The Director approved any subdivision and he shall:

(a) Transmit the application and other documents to the Government Surveyor.

(b) Being notified by Government Surveyor the estimated amount of the fees, require the collector to call for the payment by the owner

(3). the Director shall notify the owner and the Collector to cause a note for the cancellation
Section 13
Action By Director of Survey After Approval of Subdivision

13(1). Upon request by the Director and being informed that the fees have been paid, the Director of survey shall:
(a) Prepare certified strata plan
(b) File the CSP in his office
(c) Prepare one (1) copy of CSP for the Registrar
(d) Prepare additional copies as in 13(4)
(e) Transmit the document to Director

13(2). The certified strata plan shall be a plan delineating the storeys of the building, and the parcels within each storey and every folio shall contain:

13(3). The boundary of buildings shall be taken to the centre of the wall and the boundary of land parcels shall be defined by its demarcation in the land

13(4). Specific the number of additional copies of CSP

13(5). For provisional block, the CPS shall contain a plan showing the position of the provisional block and the vertical section and dimension of the buildings

(a) where any such plan consists of one folio only or (b) two or more folios, the number of copies shall be equal to the number of parcels shown

(a) A plan of the land with position of every building thereon
(b) Vertical section of the buildings that showing the position of the storeys except for land parcels
8. Action By Government Surveyor After Approval of Subdivision

(1). The Government Surveyor is informed by the Collector, he shall:

(a) Carry out survey
(b) Prepare index plan and storey plans and file in his office a certified plan
(c) Prepare one (1) copy of certified plan for the registrar
(d) Send to the Director a copy of the certified plan

(2). The index and storey plan shall contain a plan delineating which show a vertical section of buildings and a plan of the land.

(3). For the purpose of preparing the plan, the common boundary shall be taken to the centre of the floor, wall or ceiling.
Section 14
Issue of Strata Titles To Individual Parcels

(a) Transmit the documents in 13(1)(e) to director

(a) Inform director that the fees have been paid

Inform Registrar to open a book of the strata register
9. The Government Surveyor shall require the Collector call upon the owner for the payment of:

(a). Any amount underpaid

(b). Fees to prepare and register document of subsidiary title.

As soon as the fees are paid, the Director shall require the Registrar to open a book of the subsidiary register.
Section 15
Preparation And Maintenance Of Strata Register

15(1) • The Registrar shall prepare and maintain for strata register

15(2) • Consist of series of books each relating to one lot and shall contain:
  • (a) An index in Form 2 to the individual parcel
  • (b) A statement in Form 3 which (i) set out and summarize all express condition, restriction, memorials, endorsement and and other entries on the lot. (ii) confirm that there were no such entries
  • (c) A copy of certified strata plan
  • (d) A register document in Form 4 and Form 4A

15(3) • Name of the management corporation
  • Address for the service of documents
• If the proprietor failed to supply the name and address of management corporation, the Registrar shall:
  • (a) Determine the name of the management corporation
  • (b) State the address for the service

• For the purposes of the statement in Form 3, any lease, tenancy or charge shall be endorsed on the register document of title to the parcel in question

• The Registrar shall endorse a note of cancellation of private caveats or Registrar caveats on the register document if satisfied

• Where the Registrar is unable to ascertain his satisfaction of the caveats, he shall endorse a statement in Form 3 to the effect that the lot is so subject to the caveats provided the Registrar may endorse a note of cancellation of such caveat at any time thereafter.
Preparation and maintenance of register of subsidiary title

11(1). The Registrar shall prepare subsidiary register:

11(2). Subsidiary register consist of book with:

   (a). An index in Form B of the first schedule

   (b). An statement substantially in Form C of the first schedule, which shall
       (i) set up all memorials, endorsements and other entries
       (ii) Confirm no other entries.

   (c). Copy of the index plan and storey plans

   (d). Register of document of subsidiary titles
Preparation and maintenance of register of subsidiary title

11(3). The name and address of management corporation

11(4). For the purposes of the statement in Form C in the First Schedule, no account shall be taken of any sublease or tenancy relating to a part of a building shall be endorsed on the register of the document of subsidiary title to the parcel in question.
Section 16
Documents of Strata Title

16(1). The Registrar shall prepare documents of strata title in respect of:
(a) a parcel in Form 4; and
(b) a provisional block in Form 4A, if any.

16(2). The document shall consist of:
(a) A register document of title in Form 4 and Form 4A if related
(b) An issue document of title consisting a copy of the register document attached to the copy of certified strata plan

In the case of parcel created on the division or amalgamation, the plan to be attached shall be prepared under part V
16(3). Every document of strata title shall be prepared in the name of the person last registered as proprietor of the lot.

16(5). The registration shall consist of the authentication under the hand and seal of the Registrar and the date of registration.

16(6). The provisions of sections 89 to 91 of the National Land Code shall apply to documents of strata titles as they apply to documents of final title:

Provided that where any parcel is subject to a charge or lien, nothing in section 90 of the National Land Code shall be taken to authorise the issue of the document of title thereto to the proprietor of the parcel.
12(1). The Registrar shall prepare documents of subsidiary title in respect of any parcel within a subdivided building, shall consist of:

(a) A register document of title in Form D of first schedule
(b) An issue document of title with a copy of
   (i) Index plan and storey plans
   (ii) A copy of statement in form C of first schedule

Provided that no document of any such subsidiary title shall be prepared to include any building or part of a building or space outside the boundaries of the lot and this shall be certified by a surveyor.

12(2). Every document of subsidiary title shall be prepared in the name of the person last registered is the owner of the title.

Provided that no document of any such subsidiary title shall be prepared to include any building or part of a building or space outside the boundaries of the lot and this shall be certified by a surveyor.
12(3). The registration of the documents of subsidiary title shall consist of their authentication under the seal of the Registrar and the date of registration shall be inscribed.
Section 17
Effect of Opening of Book of Strata Register

17(1). On authenticating the statement in Form 3, the Registrar shall make a memorial to the effect that the book has been opened, and that the common property is vested in the management corporation and shall return the issue document of title to the corporation

17(2). No entry shall thereafter be made on either of the documents of title except one affecting the common property.

17(3). Upon the opening of a book for the strata register, the Director shall issue a certificate certifying the establishment of the management corporation as a body corporate on the day specified in the certificate the book of strata register is opened.
17(4). The management corporation shall be known by the name appearing in the book of strata and shall be a body corporate which having perpetual succession and a common seal.

17(5). In the case where a certificate certifying the establishment of the management corporation was not issued during the opening of a strata book, the management corporation may apply to the Director for a certificate certifying that the management corporation has been established.
13(1). On authenticating the statement in Form C, the Registrar shall make a memorial to the effect that the book has been opened, and that the common property is vested in the management corporation and shall return the issue document of title to the corporation.

13(2). No entry shall thereafter be made on either of the documents of title except one affecting the common property.
Section 17A
Limited Common Property And Subsidiary Management Corporations Allowed

17A(1). The management corporation may create one or more subsidiary management by a way of comprehensive resolution

17A(2). Limited common property designated shall:
(a) Identify the boundary or area of the limited common property in the special plan
(b) Specify the exclusive benefit entitled to specific proprietor
(c) Other details determined Director of Survey

17A(3). The application for establishing a sub-mc in form9 shall be accompanied by:
(a) Fees prescribed
(b) A copy of comprehensive resolution certified by the Commissioner
(c) Special plan prepared under 17A(2)

17A(4). The Director shall refer the application to Director of Survey to check the special plan and shall:
(a) Advise the Director whether the plans are in order
(b) Notify the Director on the fees to be collected

17A(5). Approval by the Director if satisfied with the application and issue a certificate to certify the sub-mc

17A(6). The sub-mc may sue or be sued
Section 17B
Ownership Of Common Property And Custody Of Issue Document Of Title

17B(1). The management corporation shall become the proprietor of the common property and the custodian of the issue document of title of the lot.

17B(2). The management corporation shall in relation to the common property, have the powers conferred by the National Land Code on a proprietor in relation to its land.

17B(3). The management corporation shall:

(a) shall exercise all the power only on the authority of a unanimous resolution.
(b) shall not have the power to transfer, charge or lien any portion of the common property.
17B(4). An instrument that is executed by the management corporation under 17B(2) shall be accompanied by a document under the seal of MC stating that:

(a) The resolution was passed
(b) The transaction conforms to the terms of the resolution

17B(5). The instrument executed under 17B(4) shall, in favour of the Registrar or a party to the transaction other than the management corporation, be conclusive evidence of the facts certified.
15(1). The management corporation on its establishment shall become the owner of the common property and the custodian of the issue document of title to the land.

15(2). The management corporation shall have the powers conferred by the provisions of the Land Ordinance [Cap. 68.] as an owner to the common property, provided that:

i) those powers may be exercised only on the authority of a unanimous resolution; and

ii) the management corporation shall not have power to transfer any portion of the common property.
Section 18
Share Units Of Parcels

Every parcel shall have a share value as approved by the Director and expressed in whole numbers to be known as share units.

Section 19
Provisional Share Units Of A Provisional Block

Every provisional block shall have a share value as approved by the Director, which shall be expressed in whole numbers and taken as provisional share units.
Share Units

10. Each parcel shall have a share value which:

(a) Expressed in whole numbers

(b) Assigned by the owner of lot and specified in Form A of the first schedule
Section 20
Circumstances In Which It Is Compulsory For A Proprietor of Provisional Strata Title To Apply For Strata Title

20 (1) Who shall apply strata title for provisional strata title?
- The proprietor of provisional strata title

20 (1) When shall apply strata title for provisional strata title?

- within the period, apply in accordance for the subdivision of the building or land capable of being issued with strata titles;
- any time he has sold or agreed to sell any parcel in such building or land to any person.
20 (2) When is strata title application compulsory when proprietor of provisional strata title has sold or agreed to sell any parcel?

**PROVISIONS OF THE ACT**

- S.20(2)(a)
- S.20(2)(b)
- S.20(2)(c)
- S.20(2)(d)

**COMMENCEMENT OF ACT A1450**

- SPA
  - **Super structure**
  - **The Building is completed**
  - The **Building is completed**
  - The **Building is completed**

**WHEN IS THE APPLICATION COMPULSORY?**

- 3 MONTHS FROM THE DATE OF ISSUANCE OF THE DOCUMENT THAT CERTIFIES THE SUPER STRUCTURE STAGE
- 3 MONTHS FROM THE DATE THE BUILDING IS COMPLETED
- 3 MONTHS FROM THE DATE OF THE COMMENCEMENT OF THIS ACT
- 3 MONTHS FROM THE DATE OF SPA
20 (3) What if the proprietor of provisional strata title has not sold or agreed to sell any parcel that has been issued with CCC?
Section 20 (4) The proprietor of provisional strata title of the building or land which had been issued with the certificate of proposed strata plan (CPSP), shall apply for subdivision.

Section 20 (5) If an application made before expiry, be extended once by the Director of Survey for any further period not exceeding one month.

Section 20 (6) If again, an application made before expiry, be extended once by the Director of Survey for any further period not exceeding one month.
Section 20 (7) The application for the approval of the Director shall be treated as not being in accordance if the application is defective by reason of any material non-compliance with any of the requirements pertaining to the application.

If not made within the period

Section 20 (8) The original proprietor shall be guilty of an offence.

The proprietor commit offence shall be liable

Section 20 (9)
- fine of not less than RM10,000 but not exceeding RM100,000; or
- imprisonment for a term not exceeding 3 years or both; and
- to a further fine of not less than RM100 but not exceeding RM1,000 for continuing offence
Section 20A
Application For Certificate of Proposed Strata Plan for provisional Block

20A (1) Who shall apply for certificate of proposed strata plan (CPSP)?

The proprietor of provisional strata title shall, as soon as a building or land is capable of being issued with strata titles

20A (1) When shall apply for certificate of proposed strata plan (CPSP)?

make an application for the approval of the Director of Survey for the issuance of the certificate of proposed strata plan to the parcels within a period of three months from the issuance of the certificate and shall submit a proposed strata plan to the Director of Survey (Form 10).
20A (1) What have to be submitted together with Form 10 when submit a proposed strata plan?

- (f) Provisional strata title
- (g) Document certify super structure stage
- (h) Schedule of Parcels and amended schedule of parcels
- (i) CCC or CFO

The case whereby the building or land parcels for erection of which planning permission was required

- i) Location plan
- ii) Storey Plan
- iii) Delineation Plan which has respectively certified by land surveyor

- (c) if BP is not available
  - Plans of the building which certified by Professional Architect / Licensed surveyor
  - Certification by a duly authorized officer of local planning authority

- (b) Approved orginal BP
- (d) Proposed strata plan with:
  - (e) Certification by Professional Architect / Engineer if

- (a) Survey Fee

Application for CPSP

Form 10
20A (1)(d) A proposed strata plan shall certified by a land surveyor follow by:

i) made a **comparison** of the plans to the approved building plans prepared by a Professional Architect registered or a Professional Engineer

ii) a storey plan, that the boundaries of the parcels shown **follow the features** of permanent construction appearing in the building

iii) that the building or buildings are **situated wholly within the boundaries** of the lot in question

iv) that each of the proposed parcels has adequate:
   a) **means of access** not passing through another parcel
   b) means of internal communication

v) that it has been **certified by a land surveyor** that the position of each provisional block as delineated on the location plan is wholly within the boundaries.
20A (1A) The Director of Survey may give exemption to the documents such as certification by architect or engineer and certificate of completion and compliance or certificate of fitness for occupancy for:

(a) of a special building; or
(b) in any other circumstances where he deem fit.

20A (2) For the purpose of subdivision, the proposed strata plan shall comprise a location plan and a delineation plan.

In the case of subdivision of land with shared basement, includes a storey plan for showing:

(a) Proposed accessory parcels
(b) Common property
20A (3) Location plan shall

a) specify the lot number, the title number of the land
b) delineate the boundaries and boundary marks of the lot and the position of all buildings
c) for subdivision of building, and subdivision of land into land parcels with shared basement, include a vertical section of each such building or shared basement: the floor and ceiling of each storey and the height of each storey
d) contain such other details as may be determined by the Director of Survey.
20A (4) Storey plan shall

a) specify the lot number, the title number of the land
b) delineate each proposed parcel and define the boundaries
c) indicate in respect of each such parcel the number
d) specify the floor area of each parcel
e) distinguish such parts as are not to be included
f) contain such other details as may be determined by the Director of Survey.
Part IV

20A (5) Delineation plan shall

a) specify the lot number, the title number of the land
b) delineate each proposed parcel reference to lot boundary showing bearing and distance of each boundary.
c) indicate in respect of each such parcel the number
d) specify the floor area of each parcel
e) distinguish such parts as are not to be included
f) contain such other details as may be determined by the Director of Survey.
a) Every proposed strata plan shall show legend of
(i) all parcels;
(ii) all common property; and
(iii) all accessory parcels, and specify therein the parcels they are made appurtenant to, irrespective of whether the accessory parcels are contiguous to those specified parcels.

b) Contain such other particulars as may be determined by the Director of Survey.
a building or parts thereof and is bounded by: external walls, floors and ceilings, the dimensions and boundaries of such accessory parcel.

(i) the external boundaries of the accessory parcel shall be ascertained from the building plans

(ii) the proposed strata plan shall show a diagram of the accessory parcel with similar dimensions
20A (8) The Director of Survey shall thereupon check the location plan, storey plan and delineation plan, whichever is applicable, carry out or cause to be carried out such survey

(a) Issue a certificate of proposed strata plan
(b) Issue a copy of such certificate to Land administrator
(c) Notify the Land administrator on the amount of fee to be collected

20A (9) For the purpose of subdivision, the proposed strata plan shall comprise:

a) Location plan
b) Delineation plan

for the case of a shared basement includes a storey plan showing the proposed parcels and common property
Section 20B
Application for subdivision of building, etc. for provisional block

The proprietor of provisional strata title shall make application for approval to the Director within one month from issue of CPSP using Form 5 accompany by:

a) Fees as may be prescribed

b) such fees as notified by the Director of Survey

c) a certificate of the proposed strata plan

d) the issue document of provisional strata title

e) A certified copy of the certificate of completion and compliance or certificate of fitness for occupancy

f) a certified copy of the schedule of parcels or amended schedule of parcels.
Section 20B (2) the Land Administrator shall endorse or cause to be endorsed, a note of the making thereof on the register document of provisional strata title.

Section 20B (3) The Land Administrator shall transmit them to the Director together with his recommendation for approval or rejection.
Section 21 (1) Power Of Director Of Lands And Mines

a) approve

Section 21 (2) approved an application for subdivision of building or land:

a) request the Director of Survey a certified strata plan
b) notify the Land Administrator of the approval and direct him to collect fees from the proprietor

Section 21 (3) rejected an application for subdivision of building or land:

a) notify the Land Administrator to cancel the note endorsed on the register document of provisional strata title
b) refund all fees for the preparation and registration of strata titles.
Section 22 The Director of Survey

a) the preparation of a new certified strata plan incorporating the changes made to the original certified strata plan by the storey plan

b) the preparation of a copy of the new certified strata plan for retention by the Registrar and additional copies

shall transmit them to the Director the copies so prepared, together with the application and other accompanying documents.
Section 23
Modification of Strata Register, Issue of Fresh Documents of Titles
And Cancellation of Provisional Document of Title

23(1) Upon receiving from Director of Survey the copies of all documents and the fees for preparation and registration of strata titles have been paid, the Director shall direct the Registrar to take action.

Section 23 (2) The Registrar shall:

a) replace the copy of the original certified strata plan
b) amend the schedule of share units of the parcels
c) prepare, register and issue in accordance strata titles for new parcels
d) endorse on the register document of title in respect of the former provisional block
e) destroy the issue document of provisional strata title.
Section 23A
Interpretation

“Existing documents of strata titles” - any documents of strata title registered and issued before the coming into operation of the rent of parcel or provisional block (section 4c).

“Existing issue document of title of the lot” - any existing issue document of title of the lot issued before the coming into operation of the rent of parcel or provisional block (section 4c).

“Existing issue document of strata title“ - existing issue document of strata title issued before the coming into operation of the rent of parcel or provisional block (section 4c).
Section 23B
Rent to be debt due to State Authority

The rent payable for each parcel or provisional block is a debt due to the State Authority.

Relating to forfeiture of the parcel or provisional block for non-payment thereof, may be recoverable by action brought pursuant to section 16 of the National Land Code.

Section 23C
Determination and computation of rent

23C (1) Upon coming into rent of parcel or provisional block,

a) The Land Administrator shall determine the amount of rent

b) The Registrar shall (i) make a memorial on the register and issue documents of titles to the lot, the date that the rent of parcel or provisional block comes into operation and (ii) endorse on the documents of strata titles with amount of rent
23C (2) The Registrar shall make a memorial or an endorsement to the existing issue document of title of the lot and the existing issue document of strata title.

23C (3) The rent reserved in respect of parcel or provisional block shall become payable from beginning of the calendar year. (1st of January)

23C (4) For the existing documents of strata titles, the rent of parcel or provisional block becomes payable from the beginning of the calendar year. (1st of January)

23C (5) For the document of strata titles registered after the coming into operation of rent, the rent becomes payable from the beginning of the calendar year next following. (1st of January Next Year)

23C (6) The rent payable in any calendar year shall fall due in full on the first day of that year, if not sooner paid, it will become arrears on the first day of June in that year.
23C (7) In subsection 94 (2) of National Land Code and the modification in paragraph 1 of twelfth Schedule to the National Land Code shall be applicable for arrears of rent.

23C (8) For amount of the rent:
(a) Shall be computed on the basis of a rate per square meter
(b) The arrears of rent may be included in proportion to the share unit and provisional share units or recoverable by any other manner.

23C (9) The rent shall be rounded up to one ringgit or to the nearest ringgit

23C (10) The payment of the rent by installment or deferment may be authorized under 81(1)(aa)
Section 23D
Where rent payable

The rent payable shall be paid by or on behalf of the proprietor at:

Office of the Land Administrator

Other places through any person or body approved by State Authority.
S23E (1) For any rent payable, the Land Administrator may cause to be served on the proprietor a notice of demand in Form 11.

S23E (2) After served on the proprietor the Form 11, the Land Administrator shall served on every charge, lessee, sublessee, tenant, lien-holder, caveator and easement holder a copy of Form 11.

S23E (3) A note of the service of Form 11 shall be endorsed by Land Administrator on the register document of title.
Section 23F

Right of chargees, lessees, etc., to pay sum demanded

S23F (1) The sum demand in Form 11 may be paid to the Land Administrator within the time specific in Form 11 by:

a) Any charge, person or body having a registered interest affecting (including a charge of any lease or sublease)
b) Any person or body having lien
c) Any person or body in occupation of any part under any tenancy exempt from registration
d) Any person or body having a claim protected by caveat.

S23F (2) Any sum paid by chargee shall be added to the first payment falling due to him under the charge.

S23F (3) Any sum paid by any other person or body shall be recoverable from proprietor by civil action. If paid by a lessee, sublessee or tenant, be recovered alternatively by deduction from any rent.

S23F (4) Any lessee, sublessee or tenant who incurs any additional liability or suffers any deduction under this section may recover the amount either by civil action against the proprietor.
Section 23G
Effect of payment of sum demanded

If the whole of the sum of rent demanded in Form 11 is **paid** within the time specific, the notice shall cease to have effect. The Land Administrator shall **cancel the note endorsed pursuant on the register document** of title to the notice relates.

Section 23H
Forfeiture for non-payment of sum demanded

**S23H (1)** If Land Administrator shall not accept any payment or lesser amount than the sum demanded during the period specific in Form 11,

**S23H (2)** The Land Administrator shall at the expiration of the period stated in Form 11 by order declare the parcel or provisional block to be forfeited to the State Authority; and vested and registered the name of any statutory authority as prescribed to hold the parcel or provisional block by State Authority.
Section 23I

Power of State Authority to revise rent periodically

**S23I (1)** The State Authority may revise the rent payable for parcel or provisional block within the State from time to time.

**S23I (2) Any revision** of rent shall extend to all parcel or provisional block within State except parcel or provisional block of State Authority may think fit to exempt.

**S23I (3) Any revision** of rent, the State Authority may increase or reduce the same proportion of rent payable in all parcel or provisional block; or **make different provision** for different class or description for the parcel or provisional block either increasing or reducing rent by the same proportion or imposing new rate of rent.

**S23I (4) State Authority** shall take no account of increase in parcel or provisional block values attributable due to improvement.
Section 23I
Power of State Authority to revise rent periodically

S23I (5) Any revision of rent by State Authority shall be made with approval of the National Land Council, but

a) On the first revision, it have effect not less than ten years after the coming into operation of rent and be made together with the revision of rent under section 101 of National Land Code.

b) The subsequent revision shall have effect not less than 10 years after last revision of the rent and be made together with the revision of rent under section 101 of National Land Code.

S23I (6) After a revision of rent has been made under this section, the Registrar or Land Administrator shall:

a) Amend the amount of rent endorsed on the document of title and payable of parcel and provisional block affected by the revision by substituting the revised rent.

b) Note the date of making the amendment and the authority and authenticate.
In relation to memorial made pursuant to subsection 57(2),

The registrar shall make a memorial on the register and issue documents of title to the lot on the date which the rent of the lot come into operation in the next following calendar year at the recent revision pursuant to Section 101 of National Land Code.
Transferee (New owner)

Statutory authority prescribed to be registered as new proprietor by way of vesting to hold the parcel or provisional block on behalf and benefit for State Authority.

Former Proprietor (Previous Owner)

A person or a body which immediately before the reversion of a parcel or provisional block to the State Authority is the proprietor of a parcel or provisional block.
Section 23L
Reversion to State Authority and vesting to take effect upon notification in the Gazette

S23L (1) The Land Administrator shall publish in the Gazette a notification in Form 12 after making of an order under Section 23H or Section 129 National Land Code for any parcel or provisional block.

S23L (2) After publication of Form 12 in the Gazette, the Land Administrator shall:
   a) Cause a copy of the notification to be sent to management corporation.
   b) Publish the notification in accordance with section 433 of the National Land Code.

S23L (3) The Registrar shall make a memorial to the effect that the parcel or provisional block has been forfeited and vested in the transferee on the register document of title and issue document of title after publication.
Section 23M
Effect of forfeiture

The effect of any forfeiture to any parcel or provisional block

(a) The parcel or provisional block shall revert and vest in the transferee, freed and discharged from any interest subsisting.

(b) The Land Administrator by notice in the Gazette in the Form 12 declare that the parcel or provisional block which reverts to the State Authority shall vest and be registered in the name of transferee.

(c) Shall be vest to Transferee without any arrears relating to management fund, debt and any outstanding payment payable under Strata Management Act 2013.

(d) Transferee shall be vested without payment of compensation any parcel or provisional block exist on the land.

(e) Any item of land revenue due to State Authority shall be extinguished.
Section 23N
Parcel or provisional block not to be transferred during period for appeal against forfeiture

S23N (1) Any parcel or provisional block has reverted and vested to the transeree by reason of forfeiture under this Part shall not have dealing under National Land Code in Division IV before:
   a) The expiry of the period of three months under section 418 of National Land Code which an appeal lies to the court
   b) The determination of the appeal and any proceedings consequent.

S23N (2) There shall be without prejudice to the power of State Authority under Section 23O to annul the forfeiture at any time on a petition by the former proprietor immediately.
Section 23O
Power of State Authority to annul forfeiture

S23O (1) Any former proprietor may at any time apply by a petition to the State Authority to annul the forfeiture immediately before the forfeiture.

S23O (2) The State Authority may in its absolute discretion refuse or allow any petition. State authority may allow the petition if upon payment by the petitioner:

a) i) If the forfeiture involve non-payment of rent, all the sums now due was required to be paid by the notice of demand served. ii) Such penalty not exceeding 6 times of the sum required to be paid. iii) Other sum also paid by the transferee upon effect the forfeiture.

b) If the forfeiture involve a breach of condition, the State Authority may determine the amount of expenses occasioned by the forfeiture.

c) All the sum of payment involve in petition shall be paid within one month beginning from date which it was communicated.
Section 23O
Power of State Authority to annul forfeiture

S23O (3) If the petitioner fails to settle the amount, the allowance of petition for the annulment of the forfeiture shall be **null and void**.

S23O (4) Upon the payment of all sums specified, the Registrar shall **make a memorial to effect vesting** of the parcel or provisional block to the petitioner on the register and issue document of title.
Section 23P
Appeal against forfeiture

S23P (1) The validity of any forfeiture shall only be challenged in any court in an appeal under section 418 of National Land Code against section 23H in Strata Title Act or Section 129 of National Land Code if no after the expiry of three months allowed under Section 418 National Land Code.

S23P (2) Order of Land Administrator under Section 23H of Strata Title Act or Section 129 of National Land Code shall be set aside by any court if
(i) Grounds of its having been made contrary
(ii) Land Administrator fail to comply with the requirement of any provision.
(iii) If any irregularity in the form or service of any notice unless the irregularity was significant nature in opinion of court.

S23P (3) In any appeal or proceeding, it shall be presumed that all the notice were duly and regularly served until the contrary is proven.

S23P (4) The challenge shall not affect the right of any person or body to bring an action for damages against the State Authority or any officer of State Authority as in NLC section 22.
Section 24
Interpretation

Affected
A parcel affected or intended to be affected by a division or amalgamation.

Amalgamation
An amalgamation of parcel

Application
An application to divide or amalgamate parcels

Division
A division of a parcel

New
A parcel resulting or intended to result from a division or amalgamation.
Section 25
Power to divide and amalgamate parcels

S25 (1) A parcel proprietor may with the approval of Director
7
i) divide his parcel into two or more new parcels each under a separate strata
title or
ii) amalgamate two or more contiguous parcels to form one parcel to be held
under a single strata title

S25 (1A) a) For division, the express conditions for the new parcels are not
contrary to the express conditions of the affected parcel.

b) For amalgamation of parcels, the express conditions for the affected
parcels are not contrary with one another and the express conditions for the
new parcels are not contrary to the express condition of the affected parcels.
Section 25
Power to divide and amalgamate parcels

S25 (2) Any two or more parcels if each of them shares at least one boundary including boundary consists of a floor or ceiling shall be contiguous for amalgamation.

S25 (3) The division or the amalgamation results any additional or new common property, the proprietor shall obtain the written consent of the management corporation and the approval from the relevant authorities.
Subdivision and amalgamation

9A(1) The subsidiary owner may, with the approval of the Director:

(a) subdivide his subsidiary title into two or more new titles, each to be held by him under separate parcels

(b) where he holds two or more contiguous parcels, amalgamate them to form one parcel, to be held by him under a single subsidiary title.

9A(2) Any two or more parcels shall be taken to be contiguous if each of them shares at least one boundary.
Section 26
Effect of division or amalgamation

S26 (1) On division, the **number of share units** of each parcel shall be a **whole number allotted by the proprietor** of the **divided parcel** which approved by the Director. The total number of share units of all the new parcels **shall equal** to the number of share units of the divided parcel.

S26 (2) On an amalgamation, the number of share units of the new parcel shall be a **number equal to the total number of share units of the amalgamated parcels**.

S26 (3) Strata Management Act **shall apply in relation to new parcel for subdivided building or land** if new parcel were one of the parcels which came into existence when the building or land was subdivided.
Share units

9B(1) For subdivision, the number of share units of each parcel shall be a whole number allotted by the proprietor of the subdivided parcel as approved by Director:

And the total number of share units of all the new parcel shall be equal to the number of share units of the divided parcel

9B(2) For amalgamation, the number of share units of the new parcel shall equal to the total number of share units of the amalgamated parcels

9B(3) Part IV, which is the management corporation, shall apply in the relation to a new parcel in a subdivided building.
Section 27
Condition for approval of division or amalgamation

(a) Not contravene to any restriction in interest
(b) Not be contrary to any written law in force
(c) No land revenue is outstanding
(d) Consent in writing from every person entitled to the benefit of:
  (da) Written consent from MC if related to new common property
  (e) Amalgamated new parcel must have adequate internal means of communication
  (f) New parcel will have adequate access not passing through another parcel
  (g) Proposed share units assigned to new parcel in Form 6

Eg. Not passing through common property

i) a charge of an affected parcel;
ii) a lease of an affected parcel
iii) a charge of a lease;
iv) a lien over an affected parcel or a lease
9C. Conditions for approval of division or amalgamation

- Not contravene to any restriction in interest
- Not be contrary to any written law in force
- No land revenue is outstanding
- Consent in writing from every person entitled to the benefit of:
  - Amalgamated new parcel must have adequate internal means of communication
  - New parcel must have adequate of access not passing through another parcel
  - Proposed share units assigned to new parcel is equitable and accepted by MC
  - Views of the management corporation is obtained
- Proposed share units assigned to new parcel is equitable and accepted by MC

Additional conditions:
- A charge of an affected parcel;
- A sublease of an affected parcel;
- A charge of such a sublease
Section 28
Application for approval

S28 (1) The application for approval of Director from division or amalgamation shall be made in writing in Form 6 or Form 7 to the land Administrator include with:

a) **Fee** as may be prescribe
b) a **plan in triplicate** which certified by a land surveyor and showing all the details of the division or amalgamation
c) a **statement from the applicant of the number of share units** of the new parcel or parcels
d) all such **written consents** to the making of the application
da) the **written consent of the management corporation** and the approval from the relevant authorities to the making of the application.
e) the **issue documents of** title of the affected parcel or parcels

S28 (2) The Land Administrator shall:
a) endorse a note of the making of the application on the register document of title to each affected parcel
b) refer the application to the Director of Survey and transmit to him a copy of the plan
9D Any application for the approval of the Director to a subdivision or an amalgamation shall be made in writing to the collector and accompanied by:

(a) Fee as may be prescribed;

(b) a plan in triplicate, duly certified by a surveyor and showing all the details of the subdivision or amalgamation;
(c) a statement of the number of share units of the new parcel or parcels; and
(d) all such written consents to the making of the application as are required;
(e) the issue documents of title of the affected parcel or parcels.
Section 29
Action by Director of Survey

The Director of Survey upon receive a copy of the plan transmitted from Land Administrator shall:

- check the said plan
- carry out survey of the affected parcel or parcels as he may consider desirable
- advise the Land Administrator as to whether the plans are in order and notify him of the amount of fees to be collected for survey and preparation of plan

Section 30
Land Administrator To Transmit Application To Director Of Lands And Mines

After receiving advice of Director of Survey, Land Administrator shall transmit the application and its accompanying documents together with his recommendations to the Director.
**Section 31**

Power Of Director Of Lands And Mines In Relation To Application For Division Or Amalgamation

**S31 (1)** The Director after receiving the application from Land Administrator shall:

a) Approve if he satisfied with the conditions; or
b) Reject the application

**S31 (2)** If the Director reject an application, he shall notify the Land Administrator. Land Administrator shall inform the proprietor and cancel the register document of title.

**S31 (3)** If the Director approve the application of division or amalgamation, he shall:

a) Transmit to Director of Survey the application and other accompany document
b) Notify the Land Administrator the approval and direct him to collect fee for preparation and registration of strata titles from proprietor.
Section 32
Preparation of new certified strata plan by Director of Survey

The Director of Survey in preparation of new certified strata plan

a) the preparation of a new certified strata plan incorporating the changes made by division or amalgamation for filing of the original certified strata plan

b) the preparation of a copy of the new certified strata plan for retention by the Registrar and additional copies shall transmit them to the Director the copies so prepared, together with the application and other accompanying documents.
Section 33
Modification Of Strata Register and Issue Of Fresh Documents Of Titles

S33 (1) The Director shall direct the Registrar to take action

S33 (2) Upon directed by the Director, the Registrar shall

a) Replace the copy of original certified strata plan in the relevant book of the strata register with copy of the new certified strata plan

b) Amend the schedule of share units of the parcels and make such other alterations in the relevant book of the strata register for changes by the division or amalgamation

c) Issue title in continuation to the new parcel or parcels as if he were issuing title in continuation to land subdivided or amalgamated
Upon the registration of the strata title or new title for parcel or parcels upon the division or amalgamation, the parts of any parcel which are created as common property shall be deemed to form part of the common property in relation to all the parcels comprised within the subdivided building or land.
Section 34
Rights Of Proprietor In His Parcel And Common Property

34(1). A proprietor shall have:

(a) The power conferred by the National Land Code on a proprietor in relation to his land parcel
(b) The right of user in relation with common property

34(2). No rights to dispose an accessory parcel independently.

34(3). No rights to dispose a common property except as rights appurtenant to a parcel and; Any disposition of a parcel by a proprietor shall without express reference.

34(4). Not allowed to change the express conditions on the strata title.
Rights of subsidiary owner in his parcel and in common property

23. (1) A subsidiary owner shall have:
(a) For parcel, the powers conferred by the provisions of the Land Ordinance [Cap. 68.] on an owner in relation to his land .
(b) For common property, the right of user which he would have like other subsidiary owners.

23. (2) Rights in a common property shall be disposed of by a subsidiary owner as appurtenant to a parcel, and any disposition of a parcel by a subsidiary owner shall without express reference include a like disposition of the rights in the common property which are appurtenant to the parcel.
35(1). Each parcel shall be implied a right of support and a right of service.

35(2). Each parcel shall be entitled to have his parcel sheltered by all such parts of the subdivided building or land.

35(3). The rights and obligations mentioned in subsections (1) and (2) shall be effective without memorial or notification in the strata register, and there shall be implied in respect of them.

35(4). In this section: "right of support" means a right to subjacent and lateral support by the common property and by every other parcel capable of affording support; "right of service" means rights to the passage or provision of water, sewage, drainage, gas, electricity, garbage, artificially cooled or heated air and other services (including telephone, radio and television services) through or by means of pipes, wires, cables or ducts.
Rights of support, service and shelter

24. (1) Each subsidiary owner there shall be implied a right of support and a right of service.

24. (2) Each subsidiary owner shall be entitled to have his parcel sheltered by all such parts of the subdivided building.

24. (3) The rights and obligations mentioned in subsections (1) and (2) shall be effective without memorial or notification in the strata register, and there shall be implied in respect of them.

24. (4) In this section:
"right of support" means a right to subjacent and lateral support by the common property and by every other parcel capable of affording support;
"right of service" means rights to the passage or provision of water, sewage, drainage, gas, electricity, garbage, artificially cooled or heated air and other services (including telephone, radio and television services) through or by means of pipes, wires, cables or ducts.
Section 36
Share Unit Entitlements

The value of each parcel is shown in the schedule of share unit shall be taken as share unit entitlement; and for provisional block shall be taken as provisional share unit entitlement and shall determine:

(a) The voting rights
(c) The amount to be paid to management corporation
Section 37
Restrictions On Voting Rights

Where a proprietor is for any reason unable to control his property, the powers of voting conferred on him by the strata management act 2013 shall be exercisable by the person who is for the time being authorized by law to control that property.
25. (1) Where a subsidiary owner is for any reason unable to control his property, the powers of voting conferred on him by the Second Schedule shall be exercisable by the person who is for the time being authorised by law to control that property.

25. (2) Where a subsidiary owner’s interest is subject to a registered charge, the powers of voting conferred on him by the Second Schedule shall be exercisable by that chargee either personally or by proxy.
Section 38
Power Of Court Where No Person Is Able To Vote In Respect of A Parcel

When there is no person who is able to vote in respect of a parcel on the application of the management corporation, the court shall:

(a) In cases where a unanimous resolution is required
(b) May, in other case to appoint a Public Trustee or some fit person to exercise the voting power.
Section 56
Power Of Court When Subdivided Building Or Land Is Damaged

56(1)

Building or land is damaged but not totally destroyed

A court of competent jurisdiction on the application may by order

Settle a scheme for the reinstatement or the continued use of the building/land

The scheme may include provision for the transfer of the interest to other proprietor in proportion to the share units of the destroyed parcel
56(2). Under 56(1), the court may give effect to the scheme by making orders:

(a) Directing the application of insurance moneys received by the management corporation in respect of damage to the building;

(b) Directing payment of money by the management corporation or by the parcel proprietors or some or one or more of them;

(c) Directing such amendment or replacement of the certified strata plan and such consequential amendment or replacement of the strata register.

(d) Imposing such terms and conditions as the court thinks fit.
Section 57
Termination of Subdivision

• Condition for termination: (a) The building totally destroyed, or (b) The parcel proprietor seek to demolish the building or building is partially destroyed, or (c) Only one (1) proprietor for all the parcels

• The MC after making sure that no land revenue is outstanding, may be directed by unanimous resolution to terminate the subdivision and shall lodge with the Registrar a notification in Form 8.

57(2)

• Upon receiving the notification with satisfaction, the Registrar shall make a memorial of the notification in the strata register and inform the Director of Survey

57(3)

• On making of a memorial in 57(2):
  (a) The subdivision shall be terminated and the proprietor stop to be the proprietor
  (b) The MC shall become the proprietor of the lot as the trustee
57(4) • When the MC becomes the proprietor in 57(3)
(a) Any registered charge on a parcel shall be converted into personal obligation.
(b) Former proprietors shall continue to be a member of the corporation immediately before the termination and not after.
(c) The MC shall hold and manage the lot
(d) The former proprietor may by unanimous resolution to direct the MC to:
   (i) Transfer the lot to other former proprietor, person or body.
   (ii) Determine the period for MC to settle its affairs
(e) MC shall distribute the any profit from its proprietorship ascertained in a valuation report certified by register valuer

57(5) • The relevant book of the strata register continue in existence regardless the termination of the subdivision and MC shall remains as the proprietor of the lot.
Part VIII

57(6) • Where MC having become the proprietor of the lot and transfers the lot under 57(4)(d):
(a) The MC shall continue in existence until settle up its affairs
(aa) Inform the Registrar the date of MC ended
(b) The Registrar shall cancel the relevant book of the strata register

57(7) • A court, if it is satisfied that the justice of the case so requires
(a) May make an order on the application of MC, parcel proprietor or registered chargee -
  (i) Directing the MC to take action under 57(1) regardless the absence of a unanimous resolution;
  (ii) Prohibiting the MC from taking action regardless a direction given by unanimous resolution;
(b) Where the MC has transferred the lot under 57(4)(d), may make an order for the winding up of the affairs of the MC

57(8) • In this section
  “Former chargee” means"former chargee" means a person who, or a body which, immediately before the subdivision of a subdivided building or land is terminated under this section, is the registered chargee of a parcel in the building or land;
  “Former proprietor" means a person who, or a body which, immediately before the subdivision of a subdivided building or land is terminated under this section, is the proprietor of a parcel in the building or of a provisional block on the land on which the building is situated.
Termination of subdivision

22. (1) The management corporation, where —
(a) the building is totally destroyed; or
(b) the subsidiary owners seek to demolish the building, or partially destroyed, the remaining parts of the building; or
(c) there is only one subsidiary owner

The corporation may be directed by unanimous resolution to terminate the subdivision, if so directed shall lodge with the Registrar for registration a notification in Form E of the First Schedule, together with the issue documents of title of the building and the parcels.

22. (2) The Registrar shall make a memorial of the notification in the register and the subsidiary register, and shall inform the Government surveyor.

22. (3) On making of a memorial in 22(2), (a) the subdivision shall be terminated and the subsidiary owners shall cease to be owners. (b) the management corporation shall become the owner of the lot.
Termination of subdivision

22. (4) When the MC becomes the proprietor in 22(3)
   (a) Any registered charge on a parcel shall be converted into personal obligation.
   (b) Each former subsidiary owners shall continue to be a member of the corporation, having the voting rights as he had immediately before the termination.
   (c) The MC shall hold and manage the lot
   (d) The former subsidiary owners may by unanimous resolution to direct the MC to transfer the lot to other former proprietor, person or body.
   (e) MC shall distribute the any profit from its ownership proportionately to the share units which they held immediately before the termination.

22. (5) The relevant set of files of the subsidiary register shall continue in existence while the management corporation remains the owner of the lot and may be used in evidence as a record of matters relating to the subdivision before its termination.
Termination of subdivision

22. (6) Where MC having become the owner of the lot and transfers the lot under 22(3), transfer the lot by unanimous resolution,
(a) the MC shall continue in existence until settle up its affairs.
(b) the Registrar shall cancel the relevant book of the subsidiary register.

22. (6A) A court, if it is satisfied that the justice of the case so requires
(a) an owner or a registered chargee may make an order on the application of MC,-
   (i) Directing the MC to take action under 22(1) regardless the absence of a unanimous resolution;
   (ii) Prohibiting the MC from taking action regardless a direction given by unanimous resolution;
(b) Where the MC has transferred the lot under 22(4)(d), may make an order for the winding up of the affairs of the MC.
Termination of subdivision

22. (7) “former chargee” means a person who, or a body which, immediately before the subdivision of a subdivided building is terminated under this section, is the registered chargee of a parcel in the building;

“former owner” means a person who, or a body which, immediately before the subdivision of a subdivided building is terminated under this section, is the proprietor of a parcel in the building or of a provisional block on the land on which the building is situated; and

“former subsidiary owner” means a person who, or a body which, immediately before the subdivision of a subdivided building is terminated under this section, is the subsidiary owner of a parcel in the building.
Section 57A

Procedure Of Taking Formal Possession Of Any Subdivided Building Or Land

57A(1) Upon taking formal possession of the whole or part of subdivided building or land under the Land Acquisition Act 1960 (Act 486), the Seventh Schedule shall apply.

57A(2) Other provisions of this Act which relate to the forms of document of strata title, the procedure for the preparation and registration of any document of strata title, shall be read accordingly with Seventh Schedule.

57A(3) The Minister may, with the approval of the National Land Council, by order published in the Gazette, make any amendment to the Seventh Schedule.
Acquisition of additional land and acceptance of easements

20. (1) The management corporation, if authorised by unanimous resolution, may —
(a) acquire land outside the lot to be used for purposes connected with the building; or
(b) grant or accept the burden of an easement imposed on the lot for the benefit of some other land; or
(c) accept the benefit of an easement imposed in favour of the lot on some other land.

20. (2) Land outside the lot acquired under 20(1) shall be treated and dealt with as if it were part of the common property:

Provided that land so acquired shall be held on a separate title and shall not be amalgamated with the lot.
Acquisition of additional land and acceptance of easements

20. (3) Where an instrument is executed by the management corporation in the exercise of its powers under 20 (1) —

(a) the instrument shall be valid and effective without any execution by any subsidiary owner or other person or body having an interest in the land;
(b) the receipt of the management corporation for any moneys payable to the corporation under the instrument shall be a good and sufficient discharge
(c) when the instrument is lodged for registration, it shall be endorsed with or accompanied by a certificate under the seal of the MC: (i) the resolution directing the transaction and (ii) the transaction conforms to the terms of the resolution
(d) a certificate under seal of the MC shall be in favour of the Registrar or a party to the transaction be conclusive of the facts certified.
Section 69
No dealing in accessory parcel independent of a parcel

No deal for accessory parcel or any share or interest independently from the parcel which such accessory parcel has been made appurtenant as shown on the approved strata plan.

Section 70
No dealing in provisional block

S70 (1) No deal for provisional block or any share or interest.

S70 (2) For any dealing of a provisional block has been registered, such registration shall no pass any title or interest in the said provisional block. The Registrar shall cancel the registration and no person or body affected by such cancellation shall be entitled to any compensation.
Part X

Section 73
Other rights and remedies not affected by this Act

This Act shall not effect any other rights and remedies which a proprietor or chargee of a parcel or a management corporation for any parcel or the common property.

Section 74
Jurisdiction of the Magistrate’s Court

Any offence under this Act may tried to a Magistrate’s Court. The Magistrate’s Court have power to impose maximum penalty provided for this Act notwithstanding the provisions of Subordinate Courts Act 1948 or other law.
Section 75
Legal Proceedings

S75 (1) Application to the Court in this Act shall be summon in Chambers.

S75(2) The sum to be recoverable by any person or authority from any other person or authority shall be recoverable by an action for debt in any court of competent jurisdiction.

Section 79
Limitation Act 1953 not to extend to common property

No action shall be brought by any person claiming title by adverse possession to the common property of a lot or to any accessory parcel or any part thereof created under this Act. The Limitation Act 1953 relating to adverse possession shall not extend to such common property and accessory parcel.
A public or local authority which is authorised by any written law for the purposes of exercising any power conferred on it may enter any other part of that lot if it is necessary to exercise their power.

Section 80A
Prosecution

No prosecution shall be instituted for an offence under this Act without the consent in writing of the Public Prosecutor.
Section 81
Power of State Authority to make rules

S81 (1) The State authority may make rules not inconsistent with this Act without limiting the generality of foregoing power by notification in Gazette in following matters:

a) The fees to be paid for any procedures or functions required or permitted to be done and the remission of such fees
   aa) The calculation of rent payable for any parcel or provisional block
   ab) the collection, remission, rebate, payment by instalments, deferment of payment of rent, or any other incidental matters relating to rent of parcel or provisional block and forfeiture.

b) The types of building or the circumstances to be classified as low cost building.

c) The types of building or the circumstances to be classified as special building.

d) The formula for the proposed share units

e) Any matter in this Act required or permitted to be prescribed or necessary or convenient for carrying out or giving effect to this Act.
Section 81
Power of State Authority to make rules

S81 (2) Rules made by State Authority may provide matters which differ in their application according to such factors as specified in the rules.

S81 (3) Rules made by State Authority may prescribe a penalty of fine not exceeding RM1,000 for any breach or contravention.
Section 82
Transitional Provision

S82 (1) The State Authority may make rules providing for such modifications, additions or exclusions and such transitional, consequential or saving provisions as the State Authority may deem to be necessary or expedient.

S82 (2) In this Act, nothing for any subdivision of a building effected, or to any subsidiary title issued, or to any parcel, common property, management corporation or council in existence. Prior to the commencement of this Act shall continue to apply thereto in the same manner as before the commencement of this Act.

S82 (3) Nothing contained in the Fourth Schedule shall affect the provisions of the National Land Code in their application to any subdivision of a building effected, or to any subsidiary title issued, or to any parcel, common property, management corporation or council in existence, prior to the commencement of this Act.
Section 83
Repeal and Amendment of Provisions of National Land Code

S83 (1) The provisions of the National Land Code as shown in Part I of the Fourth Schedule are repealed.

S83 (2) The provisions of the National Land Code as shown in the first column of Part II of the Fourth Schedule are amended to set out in the second column.

Section 84
Amendment of Forms

The minister may amend or substitute any of the Forms in the First Schedule by order notified in the Gazette with the approval of National Land Council.
Section 85
Transitional Provision With Respect To Rules, Orders, Etc.

Any rule, order, regulation, direction, notice or notification made, given or issued before the commencement of this Act under the provisions of the National Land Code subsection (1) of section 83 continue in force, and have the like effect, as if it had been so made, given or, as the case may be, issued.
26. Power of Court to order or prohibit the management corporation to take action.

Where under this Enactment the management corporation is required to take action or may take action only on the direction or authority of a unanimous resolution, on the application of a subsidiary owner or subsidiary owners holding not less than seventy-five per cent of the total share units of a subdivided building, the Court may make an order either directing the management corporation to take action or prohibiting the management corporation from taking any action under the relevant provisions of this Enactment.
27. Service of documents.
(1) The management corporation shall cause to be conveniently building a receptacle suitable for the purposes of postal delivery, with the name of the MC clearly designated.
(2) A document may be served on the MC by placing it in the receptacle or by sending it by post enclosed in a pre-paid letter addressed to the MC at the address shown in the book of the subsidiary register relating to the building.
(3) A document may be served on a subsidiary owner by sending the document by registered post to the subsidiary owner at the address registered.
MISCELLANEOUS

28. Offences by the corporation.

If default is made by the MC under-
(a) paragraph (i) of subsection (1) of section 17; or
(b) paragraph (j) of subsection (1) of section 17; or
(c) subsection (4) of section 18; or
(d) subsection (1) of section 21; or
(e) subsection (1) of section 27,

The MC and every member of its council who is knowingly a party to the default shall be guilty of an offence and shall be liable on conviction to a fine not exceeding RM5000.
29. Rules.

The Minister may make rules generally for carrying out the provisions of this Enactment, and in particular but without prejudice to the generality of the foregoing, such rules may provide for the fees to be paid for any procedure or function required or permitted to be done under this Enactment and the remission of such fee.

30. Amendment of the Schedules.
The Yang di-Pertua Negeri may by order published in the *Gazette* amend the Schedules to this Enactment.
Seventh Schedule

1. Interpretation

"former proprietor" means a person who, or a body which, immediately before taking of formal possession of the whole or part of subdivided building or land, is the proprietor of a parcel in the building or land or of a provisional block on the land on which the building is situated;

"the Code" means the National Land Code 1965 [Act 5611965].

Types of acquisition

2. Acquisition of the whole lot with subdivided building or land
3. Acquisition of part of the lot with subdivided building or land
4. Acquisition of common property
5. Acquisition of parcel or provisional block
2. In the case of Acquisition of the whole lot with subdivided building or land under Land Acquisition Act 1960

(a) The MC shall liquidate any assets and distribute any profits to the former proprietors proportionately based on the share units or provisional share units which they held immediately before the taking of formal possession

(b) The MC shall determine the reasonable period for the MC to continue in existence to settle its affairs;

(c) The MC shall continue in existence until settle up its affairs

(d) MC shall inform the Registrar the date of MC ended

(e) The Registrar shall cancel the relevant book of the strata register
3. In the case of **Acquisition of part of the lot with subdivided building or land** under Land Acquisition Act 1960

(a) The documents of strata title which not acquired shall continued to be in force

(b) The Registrar shall endorse the title in continuation of the lot and other relevant entries in the relevant strata register

(c) A new certified strata plan shall be prepared and inserted in the relevant strata register for the parcel that are not acquired

(d) The Director shall approve the new proposed share units to the parcel or provisional block not acquired, if equitable, and the Registrar shall endorse the new approved share units in the relevant strata register.
Seventh Schedule

4. In the case of Acquisition of common property under Land Acquisition Act 1960 and ceased to be part of the lot:

(a) The documents of strata title which not acquired shall continued to be in force

(b) The Registrar shall endorse the title in continuation of the lot and other relevant entries in the relevant strata register

(c) The Director of Survey shall endorse on existing certified strata plan-

   (i) the title in continuation of the lot;
   (ii) the new certified plan number of the lot; and
   (iii) the new area of the lot;

and upon receiving the existing certified strata plan from the Director of Survey, the Registrar shall insert the plan in the relevant strata register.
Seventh Schedule

5.(1) In the case of Acquisition of parcel or provisional block under Land Acquisition Act 1960

(a) The affected documents of strata title shall vest in the statutory authority, person or corporation on whose behalf the parcel or provisional block has been acquired; and

(b) The Registrar shall endorse other relevant entries in the relevant strata register.

5.(2) In the case where part of a parcel is acquired under the Land Acquisition Act 1960, the provision of Part V of this Act shall be applicable with modifications.".
LIMITED COMMON PROPERTY
(S17A)
Limited Common Property And Subsidiary Management Corporation Allowed [S17A ST(A)A 2013]

(1) The management corporation may designate limited common property and create one or more subsidiary management corporations only for the purpose of representing the different interests of parcel proprietors by way of comprehensive resolution conducted under the Strata Management Act 2013.
Limited Common Property And Subsidiary Management Corporation Allowed
[S17A ST(A)A 2013]

(2) Limited common property designated by a comprehensive resolution passed by the management corporation shall:

(a) describe, identify or define the boundaries or area of the limited common property in the special plan prepared by a land surveyor;
(b) specifies each parcel comprised in that special plan whose proprietors are entitled to the exclusive benefit of the limited common property; and
(c) conform with any other details as may be determined by the Director of Survey.
Limited Common Property And Subsidiary Management Corporation Allowed [S17A ST(A)A 2013]

(3) The management corporation shall make an application in Form 9 for the approval of the Director for the issue of certificate of subsidiary management corporation for the designated limited common property and shall be accompanied:

(a) such fee as may prescribed;
(b) a copy of the comprehensive resolution together with a certificate signed by the Commissioner certifying the receipt of the same filed with him by the management corporation; and
(c) a special plan prepared as approved by comprehensive resolution.
Limited Common Property And Subsidiary Management Corporation Allowed
[S17A ST(A)A 2013]

(4) Upon receipt of the application, the Director shall then refer the application to the Director of Survey and the Director of Survey shall thereupon check the special plan and shall:

(a) advise the Director as to whether the plans are in order; and
(b) notify the Director of the amount of fees to be collected in respect of such work been done.
(5) The Director shall thereupon if he is satisfied that the application and the other documents presented therewith are in order, accept and issue a certificate that the subsidiary management corporation is a body corporate constituted under this Act on the day specified in the certificate.

(6) The subsidiary management corporation may sue and be sued.
Perbadanan Pengurusan Subsidiari

• Perkembangan pesat pembangunan jenis strata, sama ada bangunan bermuara atau petak tanah, telah menyebabkan wujudnya pembangunan bercampur dalam satu lot yang sama. Keadaan ini telah menimbulkan masalah dari segi had kawasan penggunaan harta bersama dan jumlah caruman kepada MC. Pembangunan bercampur ini diuruskan oleh satu MC yang sama namun disebabkan struktur pembinaan serta kemudahan atau fasiliti harta bersama yang berbeza, pemilik terpaksa membayar caruman bagi kemudahan yang tidak dinikmatinya. Memandangkan pemilik akan menikmati kemudahan harta bersama yang berbeza, adalah wajar sekiranya pengurusan dan penyenggaraan kemudahan tersebut diurus oleh pengurusan yang berbeza agar caruman yang berbeza dapat dikenakan.
Perbadanan Pengurusan Subsidiari

• Bagi membantu menyelesaikan masalah tersebut, Akta A1450 telah memperkenalkan seksyen baru 17A kepada AHS yang menyediakan peruntukan berkenaan penetapan harta bersama terhad (limited common property (“LCP”)) yang membolehkan sesuatu MC memohon untuk menubuhkan perbadanan pengurusan subsidiari (subsidiary management corporation (“sub-MC”)).

• Melalui pindaan tersebut, MC boleh menetapkan LCP dan mewujudkan satu atau lebih sub-MC hanya bagi maksud mewakili kepentingan yang berbeza-beza bagi pemilik-pemilik.
Perbadanan Pengurusan Subsidiari

• LCP ditetapkan oleh MC melalui suatu resolusi komprehensif seperti mana yang diperuntukkan dibawah Akta Pengurusan Strata 2013 [Akta 757]. Sempadan-sempadan atau kawasan LCP ditetapkan dalam suatu pelan khas.

• Berdasarkan LCP yang telah ditentukan oleh MC, permohonan bagi penubuhan sub-MC bagi menguruskan LCP tersebut hendaklah dikemukakan kepada Pengarah Tanah dan Galian (“PTG”) Negeri untuk kelulusan.
Perbadanan Pengurusan Subsidiari

Akta 757 menetapkan beberapa tafsiran:

i. "harta bersama terhad" ertinya mana-mana bahagian harta bersama dalam suatu lot—

(a) yang dikhaskan dalam suatu ketetapan komprehensif yang disebut dalam seksyen 17A Akta Hakmilik Strata 1985 untuk manfaat eksklusif pemilik dua petak atau lebih, tetapi bukan semua petak; dan

(b) yang baginya suatu perakuan telah dikeluarkan oleh Pengarah yang memperakui bahawa perbadanan pengurusan subsidiari telah ditubuhkan di bawah Akta Hakmilik Strata 1985.
Perbadanan Pengurusan Subsidiari

ii. "ketetapan komprehensif" ertinya suatu ketetapan yang—

(a) dipertimbangkan dalam suatu mesyuarat agung perbadanan pengurusan yang diadakan dengan sewajarnya yang mengenainya notis sekurang-kurangnya tiga puluh hari yang menyatakan ketetapan itu telah diberikan; dan

(b) pada akhir tempoh enam puluh hari selepas mesyuarat agung dalam perenggan (a) itu diadakan, pada suatu pengundian, jumlah unit syer bagi petak yang baginya undi yang sah dikira untuk ketetapan itu adalah sekurang-kurangnya dua pertiga daripada unit syer agregat petak-petak semua pemilik yang membentuk perbadanan pengurusan itu pada akhir tempoh itu.
Perbadanan Pengurusan Subsidiari

• MC boleh memohon menubuhkan sub-MC bagi maksud mewakili kepentingan yang berbeza bagi pemilik tanpa mengambil kira tarikh penubuhan MC.

• Di bawah Akta 757, sub-MC hendaklah terdiri daripada semua pemilik yang berhak menikmati manfaat eksklusif dalam kawasan LCP yang dikhaskan. Mereka hendaklah memilih suatu jawatankuasa pengurusan subsidiari yang bertanggungjawab melaksanakan kewajipan dan urusan sub-MC bagi menjalankan apa-apa kuasa sub-MC. Sub-MC boleh membawa guaman dan dibawa guaman terhadapnya.
Perbadanan Pengurusan Subsidiari

• Sebelum sesuatu sub-MC ditubuhkan, LCP perlulah ditetapkan melalui suatu resolusi komprehensif oleh MC.

• MC akan membuat permohonan dalam Borang 9 bagi kelulusan PTG untuk pengeluaran perakuan sub-MC bagi sesuatu LCP yang ditetapkan.
Perbadanan Pengurusan Subsidiari

• Setiap permohonan hendaklah disertai dengan dokumen-dokumen berikut:

  (a) apa-apa fi sebagaimana yang ditetapkan;
  (b) satu salinan resolusi komprehensif bersama dengan perakuan yang ditandatangani oleh Pesuruhjaya yang mengesahkan penerimaan salinan resolusi komprehensif itu yang difailkan kepadanya; dan
  (c) suatu pelan khas yang diluluskan oleh MC melalui resolusi komprehensif dan apa-apa pindaan yang diluluskan.
  (d) Resit cukai tanah semasa bagi lot tersebut; dan
  (e) Perakuan perbadanan pengurusan.
Perbadanan Pengurusan Subsidiari

• Setelah menerima permohonan, PTG hendaklah merujuk permohonan itu kepada Pengarah Ukur. Pengarah Ukur hendaklah menyemak pelan khas dan hendaklah—

  (a) menasihati PTG sama ada pelan-pelan itu teratur; dan
  (b) memberitahu PTG tentang amaun fi-fi yang hendak dipungut berkenaan dengan kerja-kerja yang telah dilakukan.

• PTG sekiranya berpuas hati bahawa permohonan itu dan dokumen-dokumen lain yang dikemukakan adalah teratur, menerima dan mengeluarkan satu perakuan bagi memperakui bahawa sub-MC itu adalah suatu pertubuhan perbadanan yang ditubuhkan di bawah AHS pada hari yang dinyatakan dalam perakuan itu.
ALIRAN PROSES PERMOHONAN PENUBUHAN PERBADANAN PENGURUSAN SUBSIDIARI

1. Perbadanan Pengurusan mendapatkan butiran-butiran yang perlu dipatuhi berkaitan pelan khas daripada Pengarah Ukur

2. PTG terima dan semak Borang 9 yang dikemukakan oleh wakil perbadanan pengurusan

3. PTG panjangkan permohonan kepada JUPEM

4. JUPEM semak pelan khas dan tentukan fi-fi yang perlu dipungut

5. JUPEM kembalikan permohonan ke PTG setelah pelan khas diperakui teratur

6. PTG proses perakuan dan penyediaan perakuan perbadanan pengurusan subsidiari, tetapkan fi-fi yang perlu dijelaskan dan maklumkan perbadanan pengurusan

7. Perbadanan pengurusan jelaskan bayaran fi-fi dan dapatkan perakuan perbadanan pengurusan subsidiari
Describe, Identify Or Define The Boundaries Or Area Of The Limited Common Property [S17A(2)(b)]
Describe, Identify Or Define The Boundaries Or Area Of The Limited Common Property [S17A(2)(b)]
Describe, Identify Or Define The Boundaries Or Area Of The Limited Common Property [S17A(2)(b)]
Sub MC & Parcel Listing [S17A(2)(b)]
# Sub MC & Parcel Listing [S17A(2)(b) & S65]

## JADUAL SUBSIDARI PERBADANAN PENGURUSAN (SUB-PP) DAN HARTA BERSAMA TERHAAD (HBT)

<table>
<thead>
<tr>
<th>No. Sub-PP</th>
<th>Jenis Pembangunan</th>
<th>Lokasi</th>
<th>No Petak</th>
<th>Jumlah Petak</th>
<th>Jumlah Unit Syer</th>
<th>% Unit Syer</th>
<th>PA(B)</th>
<th>No. HBT</th>
<th>Lokasi</th>
<th>PHBT</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Sub-PP</td>
<td>3 Jenis</td>
<td>Jumlah</td>
<td></td>
<td>356</td>
<td>137,927</td>
<td>100 %</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Jadual Petak dalam Sub-PP 1 (Komplek Beli-belah)

*Unit Syer = 86,370*

<table>
<thead>
<tr>
<th>No. Alamat</th>
<th>No. Petak</th>
<th>Unit Syer</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1.01</td>
<td>1</td>
<td>31,150</td>
</tr>
<tr>
<td>B1.02</td>
<td>2</td>
<td>329</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lihat PHBT 16930-39</td>
<td></td>
<td></td>
</tr>
<tr>
<td>KE 16930-45</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Jadual Petak dalam Sub-PP 2 (Pejabat)

*Unit Syer = 16,048*

<table>
<thead>
<tr>
<th>No. Alamat</th>
<th>No. Petak</th>
<th>Unit Syer</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1.01</td>
<td>354</td>
<td>24</td>
</tr>
<tr>
<td>B1.02</td>
<td>355</td>
<td>45</td>
</tr>
<tr>
<td>LG.01</td>
<td>357</td>
<td>24</td>
</tr>
<tr>
<td>LG.02</td>
<td>358</td>
<td>27</td>
</tr>
<tr>
<td>LG.03</td>
<td>359</td>
<td>66</td>
</tr>
<tr>
<td>LG.04</td>
<td>360</td>
<td>27</td>
</tr>
<tr>
<td>LG.05</td>
<td>361</td>
<td>53</td>
</tr>
<tr>
<td>LG.06</td>
<td>362</td>
<td>60</td>
</tr>
<tr>
<td>LG.07</td>
<td>363</td>
<td>75</td>
</tr>
<tr>
<td>LG.08</td>
<td>364</td>
<td>90</td>
</tr>
<tr>
<td>LG.09</td>
<td>365</td>
<td>95</td>
</tr>
</tbody>
</table>

### Jadual Petak dalam Sub-PP 3 (Hotel)

*Unit Syer = 35,509*

<table>
<thead>
<tr>
<th>No. Alamat</th>
<th>No. Petak</th>
<th>Unit Syer</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1.01</td>
<td>132</td>
<td>24</td>
</tr>
<tr>
<td>B1.02</td>
<td>154</td>
<td>45</td>
</tr>
<tr>
<td>LG.01</td>
<td>250</td>
<td>24</td>
</tr>
<tr>
<td>LG.02</td>
<td>317</td>
<td>27</td>
</tr>
<tr>
<td>LG.03</td>
<td>356</td>
<td>66</td>
</tr>
<tr>
<td>No. Alamat</td>
<td>No. Petak</td>
<td>Unit Syer</td>
</tr>
<tr>
<td>------------</td>
<td>----------</td>
<td>-----------</td>
</tr>
<tr>
<td>B1.01</td>
<td>1</td>
<td>35,150</td>
</tr>
<tr>
<td>B1.02</td>
<td>2</td>
<td>329</td>
</tr>
<tr>
<td>LG.01</td>
<td>3</td>
<td>144</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No. Alamat</th>
<th>No. Petak</th>
<th>Unit Syer</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.29</td>
<td>1</td>
<td>101</td>
</tr>
<tr>
<td>G.30</td>
<td>2</td>
<td>102</td>
</tr>
<tr>
<td>G.31</td>
<td>3</td>
<td>103</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No. Alamat</th>
<th>No. Petak</th>
<th>Unit Syer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.15</td>
<td>1</td>
<td>151</td>
</tr>
<tr>
<td>1.16</td>
<td>2</td>
<td>152</td>
</tr>
<tr>
<td>1.17</td>
<td>3</td>
<td>153</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No. Alamat</th>
<th>No. Petak</th>
<th>Unit Syer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.65</td>
<td>1</td>
<td>201</td>
</tr>
<tr>
<td>1.66</td>
<td>2</td>
<td>202</td>
</tr>
<tr>
<td>1.67</td>
<td>3</td>
<td>203</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No. Alamat</th>
<th>No. Petak</th>
<th>Unit Syer</th>
</tr>
</thead>
<tbody>
<tr>
<td>LG.47</td>
<td>47</td>
<td>53</td>
</tr>
<tr>
<td>LG.58</td>
<td>58</td>
<td>60</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No. Alamat</th>
<th>No. Petak</th>
<th>Unit Syer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.13</td>
<td>1</td>
<td>149</td>
</tr>
<tr>
<td>1.14</td>
<td>2</td>
<td>150</td>
</tr>
<tr>
<td>1.15</td>
<td>3</td>
<td>151</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No. Alamat</th>
<th>No. Petak</th>
<th>Unit Syer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.63</td>
<td>1</td>
<td>199</td>
</tr>
<tr>
<td>1.64</td>
<td>2</td>
<td>200</td>
</tr>
<tr>
<td>2.19</td>
<td>3</td>
<td>249</td>
</tr>
<tr>
<td>No. Alamat</td>
<td>No. Petak</td>
<td>Unit Syer</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------</td>
<td>-----------</td>
</tr>
<tr>
<td>B1.01</td>
<td>1</td>
<td>31,150</td>
</tr>
<tr>
<td>B1.02</td>
<td>2</td>
<td>329</td>
</tr>
<tr>
<td>LG.01</td>
<td>3</td>
<td>144</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No. Alamat</th>
<th>No. Petak</th>
<th>Unit Syer</th>
</tr>
</thead>
<tbody>
<tr>
<td>LG.49</td>
<td>51</td>
<td>75</td>
</tr>
<tr>
<td>LG.50</td>
<td>52</td>
<td>90</td>
</tr>
<tr>
<td>LG.51</td>
<td>53</td>
<td>95</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No. Alamat</th>
<th>No. Petak</th>
<th>Unit Syer</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.29</td>
<td>101</td>
<td>95</td>
</tr>
<tr>
<td>G.30</td>
<td>102</td>
<td>80</td>
</tr>
<tr>
<td>G.31</td>
<td>103</td>
<td>77</td>
</tr>
</tbody>
</table>
LAND PARCELS WITH SHARED BASEMENT
Land Parcels With Shared Basement

- Optimization of land use through space saving design.
- Shared basement with accessory parcels and common property.
Saya, ..........................................., seorang Juruaik Tanah yang dilesenkan di Bawah Akta Juruaik Tanah Biroksen 1958 [Akta 458], memperlihatkan menurut surat perenggan BA(1)(d)(ii), (i), (ii) dan (iv) Akta Hakmilik Strata 1965 [Akta 318] bahawa:

(i) saya telah membuat perbandingan pelan ini dengan pelan bangunan yang dihasilkan oleh arkitek atau jururahsia profesional yang bertingkat Jawatankuasa atas pembinaannya dan bahawa pelan ini adalah mematuhi pelan tersebut;

(ii) dalam hal pelan tingkat, bahawa sempadan petak-petak yang ditunjukkan di atasnya mengikut ciri-ciri pembinaan tetap yang terdapat dalam bangunan itu;

(iii) bangunan-bangunan adalah terletak keseluluruhannya dalam sempadan lot

(iv) setiap petak yang dicadangkan itu mempunyai-

(A) jalur masuk yang memadai yang tidak melintasi suatu petak yang lain; dan

(B) jalur perhubungan ditanam yang memadai yang tidak melintasi harta bersama;

Bertarikh .................................. haribulan .................................

Juruaik Tanah yang dilesenkan di Bawah Akta 458

CPS 134789-01
Saya, .........................................................., seorang Jurukur Tanah yang dianugerahkan kerja bawah Akta Jurukur Tanah Berkesan 1958 [Akta 458], memperoleh notifikasi sengketa tentang pembinaan rumah dan pembinaan tanah yang seharusnya dibina oleh pihak yang berkenaan.

(i) Saya telah membuat pertandingan pelan ini dengan pelan bangunan yang disediakan oleh arsitek atau juruterun yang bertanggungjawab atas pembinaannya dan bahwa pelan ini adalah menerap pelan tersebut;

(ii) dalam hal pelan tingkat, bahawa sempadan petak-petak yang dijunjukkan di atasnya mengikut cabang cabang pembinaan tetap yang terdapat dalam bangunan itu;

(iii) bangunan-bangunan adalah terletak keseluruhannya dalam sempadan lot

(iv) seluruh petak yang dicadangkan itu sempurna-

(A) jalur masuk yang memasuki yang tidak melintasi satu petak yang lain; dan

(B) jalan perhubungan dalam yang memasuki yang tidak melintasi harta bersama;

Bertarik .............................................., bulan .............................................. 20....

Januark Tanah yang dianugerahkan di Bawah Akta 458

CPS 134789-08
Provisional Block For Land Parcels

- Provisional Block allowed for land parcels.
- Land parcels only for completed buildings.
- Minimum 2 land parcels.
PETUNJUK:

- HARTA BERSAMA
- SEMPDAN PETAK
- BLOK SEMENTARA

Saya, ________________________________________ sesuatu Junukur Tanah yang diclesenan di bawah Akta Junukur Tanah Berlisensi 1955 (Akta 458), memporoskan menurut superfisien 8A(1)(i),(ii),(iii),(iv) dan (v) Akta Hak Milik Strata 1955 [Akta 316] bahawa-

(i) tidak berkenaan;

(ii) bangunan-bangunan adalah terletak keseluruhannya dalam sempadan lot ____________________________________________ mukim __________________________

(iv) setiap petak yang dicadangkan itu mempunyai-

(A) jalan masuk yang memadai yang tidak melintasi suatu petak yang lain; dan

(B) jalan perhubungan dalam yang memadai yang tidak melintasi harta bersama; dan

(v) kedudukan setiap blok sementara sebagaimana yang dilandaskan di atas pelan lokasi adalah keseluruhannya dalam sempadan lot yang berkicauan.

Bertahhilah ------------------ hartahilan ----------------- 20...

Junukur Tanah yang diclesenan di bawah Akta 458
PETUNJUK:

- HARTA BERSAMA
- BLOK SEMENTARA

PE
PENCANGAN ELEKTRIK
TEL
TELEFON


(i) saya telah membantu perbadingan pelan ini dengan pelan bangunan yang diklaskan yang disedakan oleh Arkitek Profesional atau Jururutera Profesional yang bertanggungjawab atas pembinaannya dan bahawa pelan ini adalah manapun pelan kesebut;

(ii) (tidak berkaitan);

(iii) bangunan-bangunan adalah terletak keseluruhannya dalam sempadan lot ........................................., mukim .............................................. ;

(iv) setiap petak yang disebut dalam itu mempunyai-

(A) jalan masuk yang memadai yang tidak melintasi suatu petak yang lain; dan

(B) jalan pembukaan dataran yang memadai yang tidak melintasi harta bersama; dan

(v) kedudukan setiap blok sementara sebagaimana yang ditandakan di atas pelan lokasi adalah keseluruhannya dalam sempadan lot yang berkaitan.

Bertambah ................................................................. 20

Juruukur Tanah yang d lesen di bawah Akta 458

CPS 222222-02
Strata Titles (Amendment) Act 2016 [Act A1518]
Sejarah / History

Approval of Bill

Approval of Bill

Approval of Lower House and Upper Of The Parliament

Approval for Gazette of STA 1985 amendment

Gazetted of ST(A) Act 2016

Commencement date
4 Skop Pindaan / 4 Scope Of Amendment

- Cukai
- Parcel
- Rent

- Special Building
- Bangunan Khas
- Value added etc.

- Penambahbaikan Lain
- Pindaan Berbangkit Pasca Pengambilan

- Amendment Arises for post acquisition
Perundangan Berkaitan / Related Legislation

- National Land Code 1965
- Land Acquisition Act 1960
- Strata Titles Act 1985
**Jumlah Pindaan / Total Of Amendments**

<table>
<thead>
<tr>
<th>Amendment of the Act</th>
<th>Amendment of the form through Ministry order</th>
</tr>
</thead>
<tbody>
<tr>
<td>43 Sections</td>
<td></td>
</tr>
<tr>
<td>- 23 of sections</td>
<td></td>
</tr>
<tr>
<td>- 19 new sections</td>
<td></td>
</tr>
<tr>
<td>- 1 section repeal</td>
<td></td>
</tr>
<tr>
<td>First Schedule</td>
<td></td>
</tr>
<tr>
<td>- 1 section</td>
<td></td>
</tr>
<tr>
<td>- 9 forms amendment</td>
<td></td>
</tr>
<tr>
<td>- 2 new forms</td>
<td></td>
</tr>
<tr>
<td>Third Schedule</td>
<td></td>
</tr>
<tr>
<td>- 3 new Parts</td>
<td></td>
</tr>
<tr>
<td>Fourth Schedule</td>
<td></td>
</tr>
<tr>
<td>- 1 new Table</td>
<td></td>
</tr>
<tr>
<td>Fifth Schedule</td>
<td></td>
</tr>
<tr>
<td>- 3 new Parts</td>
<td></td>
</tr>
<tr>
<td>Sixth Schedule</td>
<td></td>
</tr>
<tr>
<td>- 1 new Table</td>
<td></td>
</tr>
<tr>
<td>Seventh Schedule</td>
<td></td>
</tr>
<tr>
<td>- 5 forms amendment</td>
<td></td>
</tr>
<tr>
<td>Eighth Schedule</td>
<td></td>
</tr>
<tr>
<td>- 4 forms amendment</td>
<td></td>
</tr>
</tbody>
</table>
Section 57A
Procedure taking formal possession of any subdivided building or land

Seventh Schedule
Effect of acquisition of building or land
Konsep Asas Bayaran Cukai Tanah / Basis Concept Of Quit Rent Payment

SEBELUM PINDAAN
BEFORE AMENDMENT

1. Quit Rent CUKAI TANAH
2. KEWAJIPAN BAYAR CUKAI TANAH ADALAH PERBADANAN PENGURUSAN
   Management Corporation is responsible to pay the quit rent
3. PEMILIK PETAK BAYAR KEPADA PERBADANAN PENGURUSAN BERDASARKAN UNIT SYER
   Parcel owner pay to management corporation according to share unit
Isu Yang Timbul / Related Issues Arise

DEALING OF PARCEL
URUSNIAGA PETAK

SECTION 301
SEKSYEN 301A
KANUN TANAH NEGARA
NATIONAL LAND CODE 1965 – Rents to be paid

Owner reluctant to pay the portion of quit rent
Management Corporation not function
Have to wait until all owner settled quit rent only allow to do any dealing
Konsep Asas Bayaran Cukai Tanah / Basis Concept Of Quit Rent Payment

AFTER AMENDMENT

1. Quit rent replaced by Parcel rent
2. Compulsory to pay parcel rent by parcel owner
3. Parcel owner want perform dealing after settled parcel rent
4. 'DOUBLE TAXATION'

SELEPAS PINDAAN
Elemen Cukai Petak / Element Of Parcel Rent

1. Start of parcel rent
2. Calculation & impose of parcel rent
3. Checking of parcel rent
4. Fail to pay & arrears of parcel rent
5. Seize of parcel
6. Termination of parcel rent
Amended to introduce a new definition of rent of parcel or provisional block

- Dipinda bagi memperkenalkan definisi baru cukai bagi petak atau blok sementara.

- Dihubungkaitkan dengan seksyen 5 KTN bagi membolehkan cukai petak diiktiraf sebagai cukai dibawah KTN dan urusan-urusan berkaitan petak boleh dilaksanakan selaras dengan peruntukan KTN. (i.e: seksyen 301A KTN).

Link with section 5 in NLC to enable parcel rent to be recognised as rent under NLC and dealings related to parcel can impose concurrent with provision under NLC (i.e. section 301A NLC).
Introduce a new section 4C for the purpose of impose of parcel rent

- Memperkenalkan seksyen 4C baharu bagi tujuan pelaksanaan cukai petak;

Impose of Part IVA (collection of Rent) upon parcel rent enforce that allocated procedure for implementation of parcel rent (S23A – S23J); and

- Pengenalan Bahagian IVA (Collection of Rent) apabila cukai petak berkuat kuasa yang memperuntukkan prosedur bagi pelaksanaan cukai petak; dan

Allocated procedure for seize action cause by fail to pay parcel rent through impose of Part IVB (Forfeiture and Vesting) (S23K – S23P).
Skop Pengambilan / Scope Of Acquisition

- Acquisition of the whole lot
- Acquisition of part of the lot
- Acquisition of parcel or provisional block
- Acquisition of common property
INSIGHT OF THE AMENDMENT

LAND ACQUISITION ACT – S9, 22, 23, 26 & 66

AKTA PENGAMBILAN TANAH – S.9, 22, 23, 26 & 66

ACQUISITION OF STRATA PROPERTY (PART VIII A – S57A & SEVENTH SCHEDULE)

✓ PENGAMBILAN HARTANAH BERSTRATA (BAHAGIAN VIII A – S.57A & JADUAL KETUJUH)

- Acquisition of the whole lot with subdivided building or land
  Pengambilan keseluruhan lot dengan bangunan atau tanah yang dipecah bahagi

- Acquisition of part of the lot with subdivided building or land
  Pengambilan sebahagian lot dengan bangunan atau tanah yang dipecah bahagi

- Acquisition of common property
  Pengambilan harta bersama

- Acquisition of parcel or provisional block
  Pengambilan petak atau blok sementara
Acquisition of the whole lot with subdivided building or land

Pengambilan keseluruhan lot dengan bangunan atau tanah yang dipecah bahagi
JADUAL KETUJUH (SEKSYEN 57A)
KESAN PENGAMBILAN BANGUNAN ATAU TANAH YANG DIPECAH BAHAGI

Pengambilan keseluruhan lot dengan bangunan atau tanah yang dipecah bahagi

❑ Perbadanan pengurusan hendaklah mencairkan apa-apa aset dan membagihkan apa-apa keuntungan kepada bekas pemilik berkadar berdasarkan unit syer atau unit syer sementara yang dipegang oleh bekas pemilik itu sebaik sebelum diambil milik secara formal;

❑ Perbadanan pengurusan hendaklah menentukan tempoh masa yang munasabah bagi perbadanan pengurusan terus wujud untuk menyelesaikan hal ehwalnya;
JADUAL KETUJUH (SEKSYEN 57A) KESAN PENGAMBILAN BANGUNAN ATAU TANAH YANG DIPECAH BAHAGI

❑ Perbadanan pengurusan hendaklah terus wujud untuk seberapa lama yang munasabah untuk menyelesaikan hal ehwalnya dan hendaklah kemudian terhenti kewujudannya;

❑ Perbadanan pengurusan hendaklah memaklumkan Pendaftar tarikh yang perbadanan pengurusan itu hendaklah terhenti kewujudannya; dan

❑ Pendaftar hendaklah membatalkan buku daftar strata yang berkaitan.
Acquisition of the whole lot with subdivided building or land

- The management corporation shall liquidate any assets and distribute any profits to the former proprietors proportionately based on the share units or provisional share units which they held immediately before the taking of formal possession;

- The management corporation shall determine the reasonable period for the management corporation to continue in existence to settle its affairs;
The management corporation shall continue in existence for so long as it is reasonably necessary to settle its affairs and shall then cease to exist;

The management corporation shall inform the Registrar the date that the management corporation shall cease to exist; and

The Registrar shall cancel the relevant book of strata register.
Acquisition of part of the lot with subdivided building or land
JADUAL KETUJUH (SEKSYEN 57A)
KESAN PENGAMBILAN BANGUNAN ATAU TANAH YANG DIPECAH BAHAGI

Pengambilan sebahagian lot dengan bangunan atau tanah yang dipecah bahagi

❑ Dukumen hakmilik strata yang masih wujud berkaitan dengan petak atau blok sementara yang tidak diambil hendaklah dikekalkan dan terus berkuat kuasa;

❑ Pendaftar hendaklah mengendoskan hakmilik sambungan lot itu dan lain-lain kemasukan yang berkaitan dalam daftar strata yang berkaitan;
JADUAL KETUJUH (SEKSYEN 57A)
KESAN PENGAMBIKLAN BANGUNAN ATAU TANAH
YANG DIPECAH BAHAGI

❑ Suatu pelan akui strata baharu yang diperakui hendaklah disediakan bai petak atau blok sementara yang tidak diambil dan hendaklah dimasukkan dalam daftar strata yang berkaitan; dan

❑ Pengarah hendaklah meluluskan unit syer baharu yang dicadangkan, jika ada, yang diuntukkan kepada petak atau blok sementara yang tidak diambil, jika saksama, dan Pendaftar hendaklah mengendorskan unit syer baharu yang diluluskan dalam daftar strata yang berkaitan.
SEVENTH SCHEDULE (SECTION 57A)
EFFECT OF ACQUISITION OF SUBDIVIDED BUILDING OR LAND

Acquisition of part of the lot with subdivided building or land

❑ The subsisting documents of strata title which relate to the parcel or provisional block not acquired shall be retained and continued to be in force;

❑ The Registrar shall endorse the title in continuation of the lot and other relevant entries in the relevant strata register;
A new certified strata plan shall be prepared for the parcel or provisional block not acquired and shall be inserted in the relevant strata register; and

The Director shall approve the new proposed share units, if any, assigned to the parcel or provisional block not acquired, if equitable, and the Registrar shall endorse the new approved share units in the relevant strata register.
Acquisition of common property
JADUAL KETUJUH (SEKSYEN 57A)
KESAN PENGAMBILAN BANGUNAN ATAU TANAH
YANG DIPECAH BAHAGI

Pengambilan harta bersama

❑ Dukumen hakmilik strata yang masih wujud berkaitan dengan petak atau blok sementara yang tidak diambil hendaklah dikekalkan dan terus berkuat kuasa;

❑ Pendaftar hendaklah mengendorskan hakmilik sambungan lot itu dan lain-lain kemasukan yang berkaitan dalam daftar strata yang berkaitan; dan
JADUAL KETUJUH (SEKSYEN 57A)  
KESAN PENGAMBILAN BANGUNAN ATAU TANAH  
YANG DIPECAH BAHAGI

Pengarah Ukur hendaklah mengendoskan atas pelan strata yang diperakui sedia ada –

(i) hak milik sambungan lot itu;
(ii) nombor baharu pelan lot itu yang diperakui; dan
(iii) keluasan baharu lot;

dan apabila menerima pelan strata yang diperakui sedia ada daripada Pengarah Ukur, Pendaftar hendaklah memasukkan pelan itu dalam daftar strata yang berkaitan.
SEVENTH SCHEDULE (SECTION 57A)
EFFECT OF ACQUISITION OF SUBDIVIDED BUILDING OR LAND

Acquisition of common property

- The subsisting documents of strata title which relate to the parcel or provisional block not acquired shall be retained and continued to be in force;

- The Registrar shall endorse the title in continuation of the lot and other relevant entries in the relevant strata register; and
The Director of Survey shall endorse on existing certified strata plan –

(i) the title in continuation of the lot;
(ii) the new certified plan number of the lot; and
(iii) the new area of the lot;

and upon receiving the existing certified strata plan from the Director of Survey, the Registrar shall insert the plan in the relevant strata register.
Acquisition of parcel or provisional block
JADUAL KETUJUH (SEKSYEN 57A)
KEŞAN PENGAMBILAN BANGUNAN ATAU TANAH
YANG DIPECAH BAHAGI

Pengambilan petak atau blok sementara

❑ Dokumen hakmilik strata yang terlibat hendaklah terletak hak pada pihak berkuasa kerkanun, orang atau perbadanan yang bagi pihaknya petak atau blok sementara itu diambil; dan

❑ Pendaftar hendaklah mengendorskan lain-lain kemasukan yang berkaitan dalam daftar strata yang berkaitan.

❑ Dalam hal jika sebahagian daripada petak diambil di bawah Akta Pengambilan Tanah 1960, peruntukan Bahagian V Akta ini hendaklah terpakai dengan ubah suaian.
EFFECT OF ACQUISITION OF SUBDIVIDED BUILDING OR LAND

Acquisition of parcel or provisional block

- The affected documents of strata title shall vest in the statutory authority, person or corporation on whose behalf the parcel or provisional block has been acquired; and

- The Registrar shall endorse other relevant entries in the relevant strata register.

- In the case where part of a parcel is acquired under the Land Acquisition Act 1960, the provision of Part V of this Act shall be applicable with modifications.
Provided modification procedures to the relevant strata register;

- Memperuntukkan prosedur modifikasi terhadap buku daftar strata yang berkenaan;
- Memperuntukkan tatacara atau urusan-urusan berkaitan yang perlu dilaksanakan oleh Perbadanan Pengurusan (MC); dan
- Peruntukan yang dicadangkan termasuklah:
  - Tempoh kewujudan MC bagi pengambilan keseluruhan
  - Pengiraan semula unit syer dan pengeluaran hakmilik sambungan bagi pengambilan sebahagian skim.

Proposed provisions include the following:

Existence period of management corporation for acquisition of whole scheme.
Re-calculate all share units and issue of title in continuation for acquisition of part of the scheme.
Pindaan Seksyen 17A / Amendment Of Section 17A

To ensure special plan to be prepared by Licensed Land Surveyor;

Requirement to fulfil the plan specification by Director of Survey can be done by administratively and not by methods; and

Any amendment of special plan shall approve through comprehensive resolution.
THANK YOU