

# **STRATA TITLES ACT 1985**

**LAWS OF MALAYSIA (Act A1450)**

**(Edited by Connie in March 2013)  
(Second edited by Tan in July 2015)**

## STRATA TITLES ACT 1985

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## **Preamble**

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

WHEREAS it is desired to introduce in the form of a Strata Titles Act a uniform legislation within the States of Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Selangor, Trengganu, the Federal Territory of Kuala Lumpur and **the Federal Territory of Putrajaya and the Federal Territory of Labuan**;

AND WHEREAS it is now expedient for the purpose only of ensuring uniformity of law and policy to make with respect to tenure of parcels in a building or land, registration of titles relating to parcels in a building or land, transfer of parcels in a building or land, leases and charges in respect of parcels in a building or land, and easements and other rights and interests in parcels in a building or land;

Now, therefore pursuant to the provisions of Clause (4) of Article 76 of the Constitution, BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and the Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

## **PART I - PRELIMINARY**

### **1. Short Title.**

(1) This act may be cited as the **Strata Titles (amendment) act 2012**.

(2) Except as provided under subsection (4), this act comes into operation in each State on such date as may be appointed by the Minister, with the approval of the National land Council in relation to that State, by notification in the *Gazette*, and the Minister may, with the approval of the National land Council, appoint different dates for the coming into operation of different provisions of this act.

(3) This act comes into operation in the Federal Territory of Kuala Lumpur, the Federal Territory of Putrajaya and the Federal Territory of Labuan on a date to be appointed by the Minister by notification in the *Gazette*, and the Minister may appoint different dates for the coming into operation of different provisions of this act.

### **2. Application.**

This Act shall apply only to Peninsular Malaysia and the Federal Territory of Putrajaya **and the Federal Territory at Labuan**.

### **3. Commencement.**

(1) This Act shall come into force in each State on such date as the Minister may, with the approval of the National Land Council, by notification in the *Gazette*, appoint.

(2) This Act shall come into force in the Federal Territory on such date as the Minister may, by notification in the *Gazette*, appoint.

#### 4. Interpretation.

In this Act, unless the context otherwise requires-

"accessory parcel" means any parcel shown in a strata plan as an accessory parcel which is used or intended to be used in conjunction with a parcel;

~~"aggregate share units" means the sum of the share units of the parcels (including a provisional block) shown in an approved strata plan;~~

~~"Board" means the Strata Titles Board established under section 67A;~~

"building" , in relation to a lot which is to be developed in stages, includes any building partially completed or to be erected within the lot as shown or specified in any proposed strata plan submitted for approval;

“certificate of proposed strata plan” means the certificate certifying the proposed strata plan prepared under section 8a or 20a, as the case may be;

~~"by laws", in relation to a subdivided building or land, means the by laws which are in operation in respect of that building or land made under section 44 and as provided for in the Third Schedule;~~

"Certificate of completion and compliance" has the meaning assigned to it under section 3 of the Street, Drainage and Building Act 1974 [Act 133];

"certified strata plan" means the plan prepared under ~~subsection (1) of section 13 and certified by the Director of Survey;~~ section 13 or 22, as the case may be;

"Commissioner" means the Commissioner of Buildings appointed under ~~section 3 of the Building and Common Property (Maintenance and Management) Act 2007 [Act 663];~~ section 4 of the Strata Management Act 2013 [Act A1450 ]

"common property" means so much of the lot as is not comprised in any parcel (including any accessory parcel), or any provisional block as shown in ~~an approved~~ a certified strata plan;

~~"council", in relation to a management corporation, means the council of that management corporation elected under section 39;~~

"delineation plan" means a plan showing the delineation of land parcels;

"Director" means the Director of Lands and Mines for the State or the Federal Territory and includes a Deputy Director of Lands and Mines;

"Director of Survey" means the Director of Survey and Mapping for the State or the Federal Territory and includes a Deputy Director of Survey and Mapping;

"Federal Territory" means the Federal Territory of Kuala Lumpur and the Federal Territory of Putrajaya;

"floor area", in relation to a parcel, means the area occupied by that parcel;

"form", followed by a number, means the form in the First Schedule identified by that number;

~~"initial period", in relation to a management corporation, means the period commencing on the day on which the management corporation is formed and ending on the day on which there are proprietors, excluding the proprietor of the lot who is registered as the proprietor of a parcel or parcels or a provisional block or blocks the sum of whose share units is at least one quarter of the aggregate share units;~~

"Land Administrator" means the Land Administrator for the District appointed under the National Land Code and includes an Assistant Land Administrator appointed thereunder;

~~"land parcel" means a unit which is comprised therein a subdivided land on which there is a completed building of not more than four storeys which is held under a 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 property;’

"land surveyor" means the Director of Survey appointed under the National Land Code or a land surveyor licensed to practise as such under any law for the time being in force in relation to survey;

"location plan" means a location plan under ~~subsection (2) of section 10;~~ 8A(3) or 20A(3), as the case may be;

"low-cost building" means any building certified by the State Authority under section ~~10B~~ 9B;

~~"managing agent" means any person or body appointed by the State Authority under subsection 10B(6) or by the Commissioner of Buildings under section 50;~~

"management corporation", in relation to any subdivided building or land shown in ~~an approved strata plan~~ a certified strata plan, means the management corporation established under section ~~39~~ 17;

~~"management fund" means a management fund established under section 45;~~

"Minister" means the Minister charged with the responsibility for land matters;

"original proprietor" means the proprietor of the lot immediately before the subdivision of building;

"parcel", in relation to a subdivided building, means one of the individual units comprised therein, which (except in the case of an accessory parcel) is held under separate strata title and in relation to a subdivided land, means one of the individual units of land parcel;

"prescribed" means prescribed by rules made by the State Authority under section 81;

"proprietor" refers to a parcel proprietor, that is to say, a person or body for the time being registered as the proprietor of a parcel, as well as to the proprietor of a provisional block, that is to say, a person or body for the time being registered as the proprietor of a provisional block unless expressly provided otherwise;

"provisional block" means-

(a) in relation to ~~a proposed strata plan~~ a subdivided building, a block in respect of a building proposed to be, or in the course of being, erected on building or land, for which a separate provisional strata title is applied for;

(aa) in relation to a subdivided land, a block in respect of the proposed land parcels for which a separate provisional strata title is applied for;

(b) in relation ~~to an approved strata plan~~ a certified strata plan, such a block shown therein, for which a provisional strata title is to be registered; and

(c) in relation to a book of strata register, such a block shown therein, for which a provisional strata title has been registered;

"provisional share units" means the share value allotted to a provisional block shown in ~~an approved strata plan~~ the strata register;

"provisional strata title" means the title registered and issued under section 16 in respect of a provisional block;

"purchaser" means any person or body who purchases a parcel or who has any dealing with a licensed developer in respect of the acquisition of such parcel;

"Registrar" means-

(a) in relation to strata titles which are dependent on Registry titles, the Registrar of Titles or Deputy Registrar of Titles for the State; and

(b) in relation to strata titles which are dependent on Land Office titles, the Land Administrator for the District;



“schedule of parcels” means the schedule of parcels or amended schedule of parcels prepared under the Strata Management Act 2013;

"share units", in respect of a parcel, means the share units determined for that parcel as shown in the ~~schedule of share units~~ strata register;

~~"special account", in relation to a management corporation, means the account established under section 46;~~

"special building" means any building occupied before June 1996 or any building occupied from June 1996 up to 11 April 2007, as classified by the State Authority as such;

~~"special resolution" means a resolution which is passed at a duly convened general meeting of a management corporation of which at least fourteen days' notice specifying the proposed resolution has been given by the management corporation or by proprietors who together are entitled to not less than one quarter of the aggregate share units and who together constitute not less than one quarter of the membership of the management corporation;~~

"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;

"storey plan" means a storey plan under ~~subsection (3) of section 10-~~ 8A(4) or 20A(4), as the case may be;

~~"strata plan" means a location plan and a storey plan, and includes a plan of division or amalgamation of any parcels shown in an approved strata plan and in the case of land parcels, includes a delineation plan;~~

"strata plan" means

(a) in relation to a subdivided building, means a location plan and a storey plan, and includes a plan of division or amalgamation of any parcels shown in a certified strata plan;

and

(b) in relation to a subdivided land, means a location plan and a delineation plan, and includes a plan of division or amalgamation of any parcels shown in a certified strata plan, and in the case of land parcel with shared basement, includes a storey plan;

"strata register" means the register of strata titles maintained under the provisions of section 15;

"strata roll", in relation to a subdivided building or land, means the roll maintained under ~~paragraph (i) of subsection (1) of section 43-~~ the Strata Management Act 2013;

"Strata titles" means the title issued under section 16;

"subdivided building or land" means a building or land as subdivided under Part II or Part IV, as the case may be ;

“subsidiary management corporation” in relation to limited common property means the subsidiary management corporation created under section 17A;

“super structure stage” means the stage upon the completion of building works as duly certified in accordance with the relevant by-laws made under the Street, Drainage and Building Act 1974 [Act 133];’.

"unanimous resolution" means a resolution which is passed at a duly convened general meeting of a management corporation of which at least twenty one days' notice specifying the proposed resolution has been given and against which no vote is cast.

#### **4A. Coming into operation of the Computerization System of Strata Titles in any Land Registry**

- (1) The Minister may, with the approval of the National Land Council, by notification in the Gazette, appoint a date for the coming into operation of the Computerization System of Strata Titles in any Land Registry.
- (2) For the purpose of subsection (1), the term "Land Registry" means -
  - (a) in the case of strata titles which are dependent on Registry titles, the office of the Registrar of Titles of the State; and
  - (b) in the case of strata titles which are dependent on Land Office titles, the office of the Land Administrator for the District.
- (3) Upon the coming into operation of the Computerization System of Strata Titles in any Land Registry-
  - (a) the provisions of the Fifth Schedule shall apply; and
  - (b) the provisions of this Act in so far as they relate to the forms of document of title, the procedure for the preparation and registration of any document of title, any dealing in parcel and any entry or endorsement of any note, memorial, or any correction or cancellation thereof on any document of title shall be read with the modifications, amendments, additions, deletions, substitutions or adaptations as provided in the Fifth Schedule.
- (4) The Minister may, with the approval of the National Land Council, by order published in the Gazette, amend or substitute any of the Forms in the Fifth Schedule.
- (5) Except as provided in paragraph (3)(b), all other provisions of this Act shall remain in operation and continue to be applicable to every document of title, instrument or other document prepared under the "Computerization System of Strata Titles."

#### **4B. Coming into operation of the Electronic Land Administration System of Strata Titles in any Land Registry**

- (1) The Electronic Land Administration System of Strata Titles shall come into operation in any Land Registry upon notification in the Gazette pursuant to subsection 5D (1) of the National Land Code.
- (2) for the purpose of subsection (1)-
  - (a) "Disaster Recovery Centre" means a centre of backup and recovery system set up by the State Authority for the continuity of business operation of the Electronic Land Administration system ;
  - (b) "Land Registry" includes –
    - (i) in the case of strata titles held or to be held dependent on Registry titles , the office of the Registrar or Titles for the State;
    - (ii) in the case of strata titles held or to be held dependent on Land Offices titles, the office of the Land Administrator for the District; and
    - (iii) in times of disaster as specified by the State Authority, the Disaster Recovery Centre.
- (3) Upon the coming into operation of the Electronic Land Administration System for Strata Titles in any Land Registry-

- (a) the provision of the Sixth Schedule shall apply in so far as they relate to the forms of document of strata title, the procedure for the preparation and registration of any document of strata title, any dealing and any entry or endorsement of any note, memorial or memorandum or any correction or cancellation thereof on any document of strata title;
  - (b) other provisions of this Act which relate to the Electronic Land Administration System shall be read with modifications, amendments, additions, deletions, substitutions or adaptations as provided in the Sixth Schedule ; and
  - (c) The provision of the Fifth Schedule shall cease to be operative.
- (4) The Minister may, with the approval of the National Land Council, by order published in the Gazette, amend the Sixth Schedule.

#### **5. Construction of the Act.**

- (1) This Act shall be read and construed with the National Land Code as if it forms part thereof.
- (2) The National Land Code and the rules made thereunder, in so far as they are not inconsistent with the provisions of this Act or the rules made thereunder, or are capable of applying to parcels, shall apply in all respects to parcels held under strata titles.
- (3) Notwithstanding subsections (1) and (2), the Yang di-Pertuan Agong may, from time to time, by order provide-
  - (a) for the non-application of any provision of the National Land Code to this Act; or
  - (b) for the application of any provision of the National Land Code to this Act subject to such variations, modifications, adaptations, additions or deletions as may be specified in the order.
- (4) In the application of subsection (1) to the Federal Territory, the National Land Code shall be read as modified by the Yang di-Pertuan Agong under subsection (3) of section 5 of the Constitution (Amendment) (No. 2) Act 1973.
- (5) Any reference to the State Authority in this Act in its application in the Federal Territory and in the operation of the National Land Code as modified under subsection (4), shall be construed as a reference to the Minister charged with the responsibility for land in the Federal Territory.

### **PART II - APPLICATION FOR SUBDIVISION OF A BUILDING OR LAND**

#### **6. Building or land capable of being subdivided into parcels.**

- (1) Any building two or more storeys on alienated land held as one lot under final title (whether Registry or Land Office title) shall be capable of being subdivided into parcels; and any land on the same lot shall also be capable of being subdivided into parcels each to be held under a strata title or an accessory parcel.
- (1A) Any alienated land having two or more buildings held as one lot under final title (whether Registry or Land Office title) shall be capable of being subdivided into land parcels each of which is to be held under a strata title or as an accessory parcel.

- (2) Notwithstanding subsection (1), the State Authority may, by rules, published in the Gazette, prohibit the subdivision of buildings or land of any class or description as may be specified in such rules.

**7. Original proprietor may apply for subdivision of a building or land.**

- (1) The original proprietor of any alienated land on which there is any building or land which is capable of being subdivided under section 6, subject to the provisions of this Act, apply for the subdivision thereof to the Director.

**8. Circumstances in which it is compulsory to apply for subdivision of a building or land**

- (1) The original proprietor of any alienated land on which there is a building capable of being issued with strata titles shall, within the period specified in subsections (2) and (3), apply in accordance with subsections 8A(1) and 9(1) for the subdivision of the building or land if at any time he has sold or agreed to sell any parcel in such building or land to any person.
- (2) The period within which the requirement of subsection 8A(1) shall be complied with is as follows:
- (a) in the case where the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements takes place and the document that certifies the super structure stage is issued after the commencement of this Act, the period is three months from the date of issuance of the document that certifies the super structure stage;
  - (b) in the case where the building is completed after the commencement of this Act and the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements takes place before the commencement of this Act, the period is three months from the date of issuance of the certificate of completion and compliances;
  - (c) in the case where the building is completed and the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements takes place after the commencement of this Act, the period is three months from the date of issuance of the certificate of completion and compliances or the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements takes place whichever is the later;
  - (d) in the case where the building was completed and the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements took place before the commencement of this Act, the period is three months from the date of the commencement of this Act;
  - (e) in the case where the building was completed before the commencement of this Act and the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements takes place after the commencement of this Act, the period is three months from the date of the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements took place.
- (3) The original proprietor of any alienated land on which the building or land had been issued with the certificate of proposed strata plan under subsection 8A (8) shall apply for subdivision in accordance with subsection 9(1) within a period one month from the date issuance of the certificate of proposed strata plan.
- (4) The period specified in subsection (2) may, on an application made before its expiry, be extended once by the Director of Survey for any further period not exceeding one month.

- (5) The period specified in subsection (3) may, on an application made before its expiry, be extended once by the Director for any further period not exceeding one month.
- (6) The application for the approval of the Director shall be treated as not being in accordance with subsection 8A(1) if the application is defective by reason of any material non-compliance with any of the requirements of subsection 9(1) pertaining to the application.
- (7) Where an application is not made within the period specified in subsections (2) and (3), and, within the period of such extension granted in respect of a building or land under subsection (4) or (5), the original proprietor shall be guilty of an offence.
- (8) The original proprietor who is guilty of an offence under subsection (7) shall, on conviction, be liable to a fine of not less than ten thousand ringgit but not more than one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both and, in the case of a continuing offence, to a further fine of not less than one hundred ringgit but not more than one thousand ringgit for every day during which the offence continues to be committed.

#### **8A. Application for certificate of proposed strata plan**

- (1) For the purpose of subsection 9(1), the original proprietor of any alienated land on which the building or land is capable of being issued with strata titles shall apply for a certificate of proposed strata plan to the Director of Survey by submitting Form 10 together with the following:
  - (a) fees for the survey carried out or caused to be carried out under subsection 8A(8);
  - (b) except in a case falling under paragraph (c), the original copy of the building plans approved by the local planning authority;
  - (c) if the original copy of the building plans approved by the local planning authority are not available, the application under this subsection shall be accompanied by—
    - (i) plans of the building, certified by a Professional Architect or by a land surveyor as having been drawn according to the actual features of the building and as truly representing those features; and
    - (ii) a certification by a duly authorized officer of the appropriate local planning authority that the building as represented by the plans mentioned in subparagraph (i), was erected with planning permission but the plans and specifications by reference to which that permission was given are no longer available, and that the local planning authority is nevertheless satisfied that the building as so represented satisfies planning requirements;
  - (d) a proposed strata plan comprising a location plan, storey plan and delineation plan, containing such details as are specified in subsections (2), (3), (4), (5), (6) and (7) respectively, and certified by a land surveyor as follows:
    - (i) that he has made a comparison of the plans to the approved building plans prepared by a Professional Architect registered under the Architects Act 1967 [*Act 117*] or a Professional Engineer registered under the Registration of Engineers Act 1967 [*Act 138*] responsible for its construction, or in a case falling under paragraph (c), to the building plans which have been drawn and certified by the Professional Architect or by the land surveyor;
    - (ii) in the case of a storey plan, that the boundaries of the parcels shown thereon follow 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, but discounting any eave, awning, and any balcony not forming part of a proposed parcel, which projects over a road reserve to which there subsists a permit or permits issued under section 75A of the National Land Code in respect of every such eave, awning and balcony;
  - (iv) that each of the proposed parcels has—
    - (a) an adequate means of access not passing through another parcel; and
    - (b) an adequate means of internal communication not passing through the common property;
  - (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 of the lot in question;
  - (e) in the case of any building or land parcels for the erection of which planning permission was required, a certification by the Professional Architect or by the Professional Engineer referred to in subparagraph (1)(d)(i) that the building was constructed in accordance with the plans and specifications by reference to which that permission was given; and the plans and specifications of the buildings state the date on which such permission was given and the reference number, if any;
  - (f) a certified copy of the final title of the lot;
  - (g) a certified copy of the document that certifies the super structure stage for the case under paragraph 8(2)(a);
  - (h) a certified copy of the certificate of completion and compliance or certificate of fitness for occupancy, as the case may be, except in the case under paragraph 8(2)(a); and
  - (i) a certified copy of the schedule of parcel or amended schedule of parcels, as the case may be, filed with the Commissioner under the Strata Management Act 2013 except in the case under paragraphs 8(2)(b) and (d).
- (2) For the purpose of subdivision under subsection 6(1A), the proposed strata plan shall comprise a location plan and a delineation plan, and in the case of subdivision of land with shared basement, includes a storey plan showing the proposed accessory parcels and common property.
- (3) Every location plan shall—
- (a) specify the lot number, the title number of the land comprised therein and the area thereof;
  - (b) delineate the boundaries and boundary marks of the lot and the position of all buildings thereon, showing which of these buildings are to be subdivided and in the case of an application for subdivision of land into land parcels, delineate the boundaries and boundary marks of the lot and the parcels showing the position of all the buildings thereon;
  - (c) in the case 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, as the case may be, showing—
    - (i) the floor and ceiling of each storey; and
    - (ii) the height of each storey; and
  - (d) contain such other details as may be determined by the Director of Survey.
- (4) Every storey plan shall—
- (a) specify the lot number and the title number of the land comprised therein, and the building and numbered storey thereof to which the plan relates;



- (b)* delineate, subject to the provisions of paragraphs (7) *(a)* and *(b)*, each proposed parcel and define the boundaries thereof by reference to floors and walls showing the horizontal dimensions, without it being necessary to show the bearing;
  - (c)* indicate in respect of each such parcel the number by which it is described in the proposed strata plan;
  - (d)* specify the floor area of each parcel;
  - (e)* distinguish such parts as are not to be included in any of the parcels but are to become part of a common property; and
  - (f)* contain such other details as may be determined by the Director of Survey.
  
- (5) Every delineation plan shall—
  - (a)* specify the lot number and the title number of the land comprised therein, and the land parcel to which the plan relates;
  - (b)* delineate each proposed land parcel by reference to the lot boundary showing the bearing and distance of each boundary;
  - (c)* indicate in respect of each such land parcel the number by which it is described in the proposed strata plan;
  - (d)* specify the area of each land parcel;
  - (e)* distinguish such parts as are not to be included in any of the land parcels but are to become part of the common property; and
  - (f)* contain such other details as may be determined by the Director of Survey.
  
- (6) Every proposed strata plan shall—
  - (a)* show a 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 and
  - (b)* Contain such other particulars as may be determined by the Director of Survey.
  
- (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 in accordance with the requirements of subsections (3), (4) and (5);
  - (b)* does not consist of a building or parts thereof—
    - (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; and
    - (ii)* the proposed strata plan shall show a diagram of the accessory parcel with similar dimensions as those shown on the approved plans mentioned in subparagraph (i).
  
- (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 of the land, any of the buildings thereon or any of the parcels, and shall—

- (a) issue a certificate of proposed strata plan to the applicant if he is satisfied that the plans are in order;
  - (b) issue a copy of such certificate to the Land Administrator for the purpose of section 8; and
  - (c) notify the Land Administrator of the amount of fees to be collected in respect of the plans caused to be prepared in the event of the approval of the application.
- (9) Where an application under subsection (1) involves a provisional block or blocks by virtue of section 9A, the following requirements relating to the provisional block or blocks shall, in addition to the requirements of section 9 relating to the particular building or buildings or land to be subdivided, be observed in making the application:
  - (a) the application shall be accompanied by the original copy of the building plans approved by the planning authority for the building or buildings to be, or in the course of being, erected;
  - (b) the location plan shall include a legend, and shall delineate the position of each provisional block, showing in accordance with the approved building plans, the vertical section and dimension of the building or shared basement for land parcel, if any;
  - (c) the application shall be accompanied, as forming part of the proposed strata plan, by a storey plan in respect of each provisional block, which shall delineate the external boundaries, and show, in accordance with the approved building plans, the horizontal dimensions of the building or shared basement for land parcel, if any, to which the provisional block relates, without it being necessary to show any bearings; and
  - (d) the proposed strata plan shall, in respect of a provisional block or blocks in respect of land—
    - (i) delineate the proposed block by reference to the lot boundary showing the bearing and distance of each boundary;
    - (ii) specify the area for provisional block or blocks; and
    - (iii) contain such other details as may be determined by the Director of Survey.

## **9. Application for subdivision of building, etc.**

- (1) An application for the approval of the Director for the subdivision of building, building and land, under subsection 6(1) and subdivision of land under subsection 6(1A) shall be made in Form 1 to the Land Administrator and shall be accompanied by—
- (a) such fees as may be prescribed;
  - (b) such fees as so notified by the Director of Survey under paragraph 8A(8)(c);
  - (c) a certificate of the proposed strata plan;
  - (d) the classification certificate of a low-cost building issued under subsection 9B(3), if any;
  - (e) the written consents to the making of the application of every person who, at the time of the application, is entitled to the benefit of a lease of the whole or any part thereof, other than a part corresponding precisely with, or included within, one of the parcels to be created upon subdivision;
  - (f) the proposed name of the management corporation, and the address for the service of documents thereon, required to be supplied pursuant to subsection 15(3);
  - (g) the issue document of title of the lot;
  - (h) a certified copy of the certificate of completion and compliance or certificate of fitness for occupancy, as the case may be, except in the case under paragraph 8(2)(a); and
  - (i) a certified copy of the schedule of parcels or amended schedule of parcels, as the case may be, except in the case under paragraphs 8(2)(b) and (d).



- (2) No application under subsection (1) 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; and
  - (c) the land is not subject to any charge or lien.
- (3) Upon receipt of an application under subsection (1), the Land Administrator shall endorse or cause to be endorsed, a note of the making thereof on the register document of title.
- (4) The Land Administrator shall thereupon if he is satisfied that the application and the other documents presented therewith are in order, transmit them to the Director together with his recommendations for approval or rejection.

#### **9A. Application for subdivision in the case of phased developments**

An application under subsection 9(1), 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, being a building or land capable according to subsection 6(1) or (1A) of being subdivided, proposed to be, or in the course of being, erected on the lot in question.

#### **9B. Application for subdivision in the case of low-cost buildings**

- (1) The State Authority may, on an application by a proprietor of any alienated land or at any time on its own motion, having regard to the location, nature of construction and the cost of the building, classify it to be a low-cost building.
- (2) Without prejudice to subsection (1), the State Authority may prescribe the classification for any type of building to be a low-cost building.
- (3) Upon classifying any building to be a low-cost building, the State Authority shall issue a certificate to the proprietor of the alienated land.
- (4) Upon receipt of the certificate issued by the State Authority, the proprietor of the alienated land shall apply for the subdivision of the building under subsection 9(1).
- (5) No building erected in a provisional block shall be classified to be a low-cost building.

#### **10. Conditions for approval**

- (1) The Director shall not approve the subdivision of any building or land into parcels unless the following conditions are satisfied:
  - (a) that the Director of Survey has issued the certificate of proposed strata plan;
  - (b) that the subdivision would not contravene any condition or restriction in interest to which the land comprised in that lot is for the time being subject;
  - (c) that the subdivision would not be contrary to the provisions of any written law for the time being in force and that any requirements imposed with respect thereto by or under any such

written law have been complied with;

- (d) that no item of land revenue is outstanding in respect of the land;
- (e) that consent in writing to the making of the application has been obtained from every person who at the time when approval was applied for, was entitled to the benefit of a lease of the whole or any part thereof, other than a part corresponding precisely with, or included within, one of the parcels to be created upon subdivision;
- (f) that, where the land on which the building or buildings stand is held for a term of years, there still remains a period of not less than twenty-one years to run;
- (g) that the land on which the building or buildings stand is not subject to any charge or lien;
- (h) that the proposed share units assigned to the parcels by the proprietor of the lot in his application in Form 1 are equitable; and (i) that the land is held under final title.

(2) In a case of an application involving a provisional block or blocks by virtue of section 9A, the Director shall not approve the subdivision of any building to which the application relates unless the following additional conditions are satisfied:

- (a) 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 of the lot in question;
- (b) that the quantum of provisional share units assigned to each provisional block by the proprietor of the lot in his application in Form 1 are equitable; and
- (c) that the proprietor—
  - (i) has given the date by when he undertakes that the construction of the building or each building to which the provisional block or blocks relate will be completed;
  - (ii) has paid to the Director in respect of each provisional block a deposit of such reasonable amount as the Director may require; and
  - (iii) has furnished a written statement to the effect that he agrees that the amount be forfeited to the government in the event that, by that date or by such later date as the Director may allow, the construction of the building to which the provisional block relates is not completed or, if completed, the certificate of completion and compliance has not been issued.

~~10A. Application for subdivision in the case of phased developments.~~

~~10B. Application for subdivision in the case of low-cost building~~

**11. Withdrawal of applications.**

- (1) An application under section 9(1) shall not be ~~subsection 10(1) not be~~ capable of being withdrawn except with the concurrence of the Director; and the Director shall not give his concurrence unless he is satisfied that the withdrawal is not, or will not be, detrimental to the interests of any person who has purchased or agreed to purchase any parcel of the building in question.
- (2) Where the application under subsection 9(1) is withdrawn, the Director shall notify the Registrar or Land Administrator who shall cancel or cause to be cancelled the note thereof endorsed on the register document of title pursuant to subsection 9(3).

## **12. Powers of Director of Lands and Mines in relation to applications.**

- (1) On receiving any application made ~~under section 10~~ section 9, the Director shall-
  - (a) approve the subdivision if it appears to him that the conditions specified in ~~section 9~~ section 10 are satisfied; and
  - (b) in any other case, reject the application.
- (2) Where he has approved any application for subdivision of building or land, the Director shall request the Director of Survey to prepare or cause to be prepared a certified strata plan.
- (3) Where he has rejected any such application, the Director shall—
  - (a) notify the Land Administrator who shall forthwith inform the proprietor and shall cancel or cause to be cancelled the note thereof endorsed on the register document of title pursuant to subsection 9(3); and
  - (b) refund all fees for the preparation and registration of strata titles.

## **13. Action by Director of Survey after approval of subdivision.**

- (1) Upon receipt of the request by the Director and upon being informed that the fees referred to in paragraph 8A(8)(c) have been duly paid, the Director of Survey shall—
  - (a) from the relevant ~~location plan, storey plans and delineation plans~~ proposed strata plan, prepare or cause to be prepared a certified strata plan complying with the requirements of subsection (2), with such modifications as he may Consider necessary;
  - (b) file the certified strata plan in his office;
  - (c) prepare one copy of the certified strata plan for retention by the Registrar;
  - (d) prepare additional copies of the certified strata plan, or copies of the various folios thereof as mentioned in subsection (4), for the purpose of attaching them to the issue documents of title to the parcels which are to be created on the subdivisions; and
  - (e) transmit to the Director, the copies so prepared, together with the approved application and other accompanying documents.
- (2) The certified strata plan referred to in paragraph (a) of subsection (1) shall be a plan delineating, on as many folios as may be considered most suitable for the purpose, the storeys of the building or buildings to be subdivided, and the parcels within each storey and every folio shall contain also-
  - (a) a plan of the land, showing the position of every building thereon and;
  - (b) except for land parcels, a vertical section of the building or buildings to be subdivided, showing the position therein of the storey or storeys to which it relates
- (3) For the purposes of the preparation of any such certified strata plan, the ~~common~~ boundary of any parcel of a building with any other parcel, or with any part of the building which is not included in any of the parcels, shall, except in so far as it may have been otherwise provided in the relevant storey plans, be taken to be the centre of the floor, wall or ceiling, as the case may be or in the case of land parcels, the boundary shall be defined by its demarcation on the land.

- (4) The number of additional copies of the certified strata plan to be prepared pursuant to paragraph (d) of subsection (1) shall be as follows:
- (a) where any such plan consists of one folio only, the number of copies shall be equal to the number of parcels shown thereon; and
  - (b) where any such plan consists of two or more folios, the number of copies of each folio to be so prepared shall be equal to the number of parcels shown on that folio.
- (5) For the purposes of this section, the certified strata plan in respect of a provisional block shall contain a plan showing the position of the provisional block and the vertical section ~~of the block~~ and dimension of the building or shared basement for land parcel, if any.

#### **14. Issue of strata titles to individual parcels.**

Upon receiving from the Director of Survey the documents referred to in paragraph (e) of subsection (1) of section 13, and upon being informed by the Land Administrator that the fees for preparation and registration of strata titles have been paid, the Director shall direct the Registrar to open a book of the strata register in accordance with the provisions of section 15 and prepare, register and issue strata titles in accordance with the provisions of section 16.

#### ~~14A. Failure to pay amount demanded~~

### **PART III - REGISTRATION OF STRATA TITLES**

#### **15. Preparation and maintenance of strata register.**

- (1) The Registrar shall prepare and maintain for the purposes of this Act a register of strata titles to be known as the strata register.
- (2) The strata register shall consist of a series of books, each relating to one lot, and every such book shall contain-
- (a) an index in Form 2 to the individual parcels and, if any, appurtenant accessory parcels and to the individual provisional block, if any, comprised in the lot;
  - (b) a statement in Form 3 which subject to subsection (4), (5) and (6) shall-
    - (i) set out, or where appropriate summarise so far as they relate to matters capable of affecting any of those parcels or provisional blocks, all ~~express conditions and restrictions in interest~~ express conditions, restrictions-in-interest, memorials, endorsements and other entries which appeared on the register document of title to the lot at the time the statement was authenticated by the Registrar; or
    - (ii) confirm that there were no such entries;
  - (c) a copy of the certified strata plan prepared under paragraph (a) of subsection (1) of section 13; and
  - ~~(d) the register document of title to each parcel and each provisional block-~~
  - (d) a register document of title in Form 4 in respect of a parcel and in Form 4A in respect of a provisional block.;

- (3) The name of the management corporation, and the address for the service of documents thereon, required to be stated in the index in Form 2 shall be supplied to the Registrar by the proprietor of the lot.
- (3A) Where the proprietor of the lot, after being given reasonable notice by the Registrar, fails to supply the name of the management corporation or the address for service of documents thereon as required by subsection (3), the Registrar-
- (a) as regards the name of the management corporation, shall himself determine the name to be stated in the index in Form 2; or
  - (b) as regards the address for service, shall cause to be stated in the index in Form 2 the postal address of any building erected within the lot.
- (4) For the purposes of the statement in Form 3, no account shall be taken of any lease or tenancy relating to a part of the building which corresponds precisely with, or is included within one of the parcels created on the subdivision, or of any charge of, or lien over, such a lease; but any such lease, tenancy or charge shall be endorsed on the register document of title to the parcel in question.
- (5) The Registrar shall, in the case of private caveats or Registrar's caveats appearing on the register document of title to the lot, if satisfied that such caveats affect only particular parcels created on the subdivision, endorse such caveats on the register documents of title to the parcels in question and endorse or cause to be endorsed, a note of the cancellation of such caveats on the register document of title to the lot.
- (6) Where the Registrar is unable to ascertain to his satisfaction the caveats which affect the particular parcels, ~~the caveats shall maintain the~~ he may, instead of setting out or summarizing them, endorse a statement in Form 3 to the effect that the lot is so subject to the caveats entered on the register document of title to the lot:

Provided that the Registrar may at any time thereafter, if it can be ascertained to his satisfaction that any of such caveats relate to particular parcels, endorse such caveats on the register documents of title to the parcels in question and endorse or cause to be endorsed, a note of the cancellation of such caveats on the register document of title to the lot.

## **16. Documents of strata title.**

- (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.
- (2) The documents of strata title to be prepared by the Registrar in respect of any parcel or provisional block under subsection (1) shall consist of-
- (a) a register document of title in Form 4 in respect of a parcel and in Form 4A in respect of a provisional block;
  - (b) an issue document of title, consisting of a copy of the register document to which shall be attached the copy of the certified strata plan or of the relevant folio of that plan prepared under paragraph 13(1) (d).

Provided that, in the case of a parcel created on the division or amalgamation of any existing parcels, the plan to be attached to the issue documents of title shall be such as may be prepared in accordance with Part V of this Act.

(3) Every document of strata title shall be prepared in the name of the person last registered as proprietor of the lot in question, or where it relates to a parcel created as mentioned in the proviso to subsection (2) in the name of the person last registered as proprietor of the existing parcel or parcels.

(4) *(Deleted by Act A753)*

(5) The registration of the register documents of strata title shall consist of their authentication under the hand and seal of the Registrar; and the date of registration shall be inscribed by him on every document.

(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.

### **17. Effect of opening of book of strata register**

(1) On authenticating the statement in Form 3 required to be contained in any book of the strata register, the Registrar shall make on the register document of title and the issue document of title to the lot in question a memorial to the effect that the book has been opened, and that the common property is vested in the management corporation coming into existence by virtue of subsection (3), and shall return the issue document of title to that corporation.

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

(3) Upon the opening of a book of the strata register in respect of a subdivided building or land there shall, by the operation of this section, come into existence a management corporation consisting of all the parcel proprietors including in the case of phased development, the proprietor of the provisional block or blocks and the Registrar shall issue a certificate certifying the establishment of the management corporation as a body corporate constituted under this Act on the day specified in the certificate.

(4) The management corporation existed by virtue of subsection (3) shall be known by the name appearing in the book of the strata register relating to a subdivided building or land, and shall be a body corporate, having perpetual succession and a common seal and which may sue and be sued.

(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

Registrar for a certificate certifying that the management corporation has been established in Form 9.

**17A. Limited common property and subsidiary management corporations allowed**

- (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.
- (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;*
  - (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 prescribed by the Director of Survey.*
- (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 by—
  - (a) *such fee as may be 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 under subsection (2), and any approved amendments thereto.*
- (4) Upon receipt of the application, the Director shall 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 certifying 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.

**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.

**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.



### **19A. Transfer of ownership of strata titles**

- (1) Any original proprietor or any person or body appointed by a court of competent jurisdiction shall execute the transfer of strata title to the purchaser within thirty days from the date of issue of strata title by the Land Administrator or any extended period approved by the Director upon the opening of the strata register.
- (2) Any purchaser shall execute complete documents of transfer of strata title within thirty days or any extended period approved by the Director from the date of notice of transfer of strata title being served to the purchaser by the original proprietor or from the date of purchase of the parcel, whichever is the later.
- (3) Any original proprietor or any person or body appointed by a court of competent jurisdiction or any purchaser who fails to comply with subsection (1) or (2) shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than one thousand ringgit but not more than ten thousand ringgit per parcel.

## **PART IV - PROVISIONAL BLOCK: ISSUANCE OF STRATA TITLES**

### **20. Circumstances in which it is compulsory for a proprietor of provisional strata title to apply for strata title**

- (1) The proprietor of provisional strata title shall, within the period specified in subsections (2) and (3), apply in accordance with subsections 20A(1) and 20B(1) for the subdivision of the building or land capable of being issued with strata titles, if at any time he has sold or agreed to sell any parcel in such building or land to any person.
- (2) The period within which the requirement of subsection (1) shall be complied with is as follows:
  - (a) in the case where the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreement takes place and the document that certifies the super structure stage is issued after the commencement of this Act, the period is three months from the date of the issuance of the document that certifies the super structure stage;
  - (b) in the case where the building is completed after the commencement of this Act and the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreement took place before the commencement of this Act, the period is three months from the date of the issuance of the certificate of completion and compliance;
  - (c) in the case where the building was completed and the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreement took place before the commencement of this Act, the period is three months from the date of the commencement of this Act;
  - (d) in the case where the building was completed before the commencement of this Act and the sales of, or agreement to sell, any parcel of the building or the first of such sales or agreement takes place after the commencement of this Act, the period is three months from the date the sales of, or agreement to sell, any parcel of the building or the first of such sales or agreement takes place.
- (3) Where the proprietor of provisional strata title has not sold or agreed to sell any parcel in such building or land to any person and such building or land has been issued with certificate of



completion and compliance or certificate of fitness for occupation, the proprietor of provisional strata title shall—

- (a) in the case where the certificate of completion and compliance or certificate of fitness for occupation is issued after the commencement of this Act, apply for the issuance of the certificate of proposed strata plan to the Director of Survey within three months from the issuance of the certificate of completion and compliance or certificate of fitness for occupation;
- (b) in the case where the certificate of completion and compliance or certificate of fitness for occupation was issued before the commencement of this Act, the proprietor of provisional strata title shall, within three months from the commencement of this Act, apply for the issuance of the certificate of proposed strata plan to the Director of Survey.

(4) The proprietor of provisional strata title of the building or land which had been issued with the certificate of proposed strata plan under subsection 20A(8), shall apply for the subdivision under subsection 20B(1) within the period of one month from the date of the issuance of the certificate of proposed strata plan.

(5) The period specified in subsections (2) and (3) may, on an application made before its expiry, be extended once by the Director of Survey for any further period not exceeding one month.

(6) The period specified in subsection (4) may, on an application made before its expiry, be extended once by the Director for any further period not exceeding one month.

(7) The application for the approval of the Director shall be treated as not being in accordance with subsection (1) if the application is defective by reason of any material non-compliance with any of the requirements of subsection 20B(1) pertaining to the application.

(8) Where an application is not made within the period specified in subsections (2), (3) and (4) or within the extended period granted under subsection (5) or (6) in respect of a building or land, the original proprietor shall be guilty of an offence.

(9) The proprietor of provisional strata title who commits any offence under subsection (7) or (8) shall, on conviction, be liable to a fine of not less than ten thousand ringgit but not more than one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both and, in the case of a continuing offence, to a further fine of not less than one hundred ringgit but not more than one thousand ringgit for every day during which the offence continues to be committed.

#### **20A. Application for certificate of proposed strata plan**

(1) The proprietor of the provisional strata title shall, as soon as a building or land is capable of being issued with strata titles, 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 by submitting Form 10 together with the following:

- (a) fees of such survey carried out or caused to be carried out under subsection (8) as determined by the Director of Survey

- (b) except in a case falling under paragraph (c), the original copy of the building plans approved by the local planning authority;
- (c) if the original copy of the building plans approved by the local planning authority are not available, the application under this subsection shall be accompanied by—
  - (i) plans of the building, certified by a Professional Architect or by a land surveyor as having been drawn according to the actual features of the building and as truly representing those features; and
  - (ii) a certification by a duly authorized officer of the appropriate local planning authority that the building as represented by the plans mentioned in subparagraph (i) was erected with planning permission but the plans and specifications by reference to which that permission was given are no longer available, and that the local planning authority is nevertheless satisfied that the building as so represented satisfies planning requirements;
- (d) a proposed strata plan comprising a location plan, storey plan and delineation plan, containing such details as are specified in subsections (2), (3), (4), (5), (6) and (7) respectively and certified by a land surveyor as follows:
  - (i) that he has made a comparison of the plans to the approved building plans prepared by a Professional Architect registered under the Architects Act 1967 [Act 117] or a Professional Engineer registered under the Registration of Engineers Act 1967 [Act 138] responsible for its construction, or, in a case falling under paragraph (c), to the building plans which have been drawn and certified by the Professional Architect or by the land surveyor;
  - (ii) in the case of a storey plan, that the boundaries of the parcels shown thereon 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, but discounting any eave, awning, and any balcony not forming part of a proposed parcel, which projects over a road reserve, to which there subsists a permit or permits issued under section 75A of the National Land Code in respect of every such eave, awning and balcony;
  - (iv) that each of the proposed parcels has—
    - (A) an adequate means of access not passing through another parcel; and
    - (B) an adequate means of internal communication not passing through the common property; and
  - (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 of the lot in question;
- (e) in the case of any building or land parcels for the erection of which planning permission was required, a certification by the Professional Architect or by the Professional Engineer referred to in subparagraph (d)
  - (i) that the building was constructed in accordance with the plans and specifications by reference to which that permission was given, and the plans and specifications stating the date on which such permission was given and the reference number, if any;
- (f) a certified copy of the provisional strata title;
- (g) a certified copy of the document that certifies the super structure stage, as the case may be;
- (h) a certified copy of the schedule of parcels and amended schedule of parcels, as the case may be; and
- (i) a certified copy of the certificate of completion and compliance or certificate of fitness for occupancy, as the case may be.

(2) For the purpose of subdivision under subsection 6(1A), the proposed strata plan shall comprise a location plan and a delineation plan, and in the case of subdivision of land with shared basement, includes a storey plan showing the proposed accessory parcels and common property.

(3) Every location plan shall—

- (a) specify the lot number, the title number of the land comprised therein and the area thereof;
- (b) delineate the boundaries and boundary marks of the lot and the position of all buildings thereon, showing which of these buildings are to be subdivided and in the case of an application for subdivision of land into land parcels, delineate the boundaries and boundary marks of the lot and the parcels showing the position of all the buildings thereon;
- (c) in the case of subdivision of building, and subdivision of land into land parcels with shared basement, include a vertical section of each such building or the shared basement as the case may be showing—
  - (i) the floor and ceiling of each storey; and
  - (ii) the height of each storey; and
- (d) contain such other details as may be determined by the Director of Survey.

(4) Every storey plan shall—

- (a) specify the lot number and the title number of the land comprised therein, and the building and numbered storey thereof to which the plan relates;
- (b) delineate, subject to the provisions of paragraphs (7)(a) and (b), each proposed parcel and define the boundaries thereof by reference to floors and walls showing the horizontal dimensions, without it being necessary to show the bearing;
- (c) indicate in respect of each such parcel the number by which it is described in the proposed strata plan;
- (d) specify the floor area of each parcel;
- (e) distinguish such parts as are not to be included in any of the parcels but are to become part of the common property; and
- (f) contain such other details as may be determined by the Director of Survey.

(5) Every delineation plan shall—

- (a) specify the lot number and the title number of the land comprised therein, and the land parcel to which the plan relates;
- (b) delineate each proposed land parcel by reference to the lot boundary showing the bearing and distance of each boundary;
- (c) indicate in respect of each such land parcel the number by which it is described in the proposed strata plan;
- (d) specify the area of each land parcel;
- (e) distinguish such parts as are not to be included in any of the land parcels but are to become part of the common property; and
- (f) contain such other details as may be determined by the Director of Survey.

(6) Every proposed strata plan shall—

- (a) show a 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; and
- (b) contain such other particulars as may be determined by the Director of Survey.

(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 in accordance with the requirements of subsections (3), (4) and (5);
- (b) does not consist of a building or parts thereof—
  - (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; and
  - (ii) the proposed strata plan shall show a diagram of the accessory parcel with similar dimensions as those shown on the approved plans mentioned in subparagraph (i).

(8) The Director of Survey shall thereupon check the location plan, storey plans and delineation plans, whichever is applicable, carry out or cause to be carried out such survey of the land, any of the buildings thereon or any of the parcels, and shall—

- (a) issue a certificate of the proposed strata plan to the applicant if he is satisfied that the plans are in order;
- (b) issue a copy of that certificate to the Land Administrator for the purpose of section 20B; and
- (c) notify the Land Administrator of the amount of fees to be collected in respect of the plans caused to be prepared in the event of the approval of the application.

(9) For the purpose of subdivision under subsection 6(1A), the proposed strata plan shall comprise a location plan and a delineation plan, and in the case of a shared basement, includes a storey plan showing the proposed parcels and common property.

**20 B. Application for subdivision of building, etc.**

(1) The proprietor of provisional strata title shall make an application for approval to the Director within one month from the issuance of the certificate of proposed strata plan using Form 5 to the Land Administrator and shall be accompanied by—

- (a) such fees as may be prescribed;
- (b) such fees as so notified by the Director of Survey under paragraph 20A(8)(c);
- (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, as the case may be, except in the case under paragraph 20(2)(a); and (f) a certified copy of the schedule of parcels or amended schedule of parcels, as the case may be, except in the case under paragraphs 20(2)(b) and (d).

- (2) Upon receipt of an application under subsection (1), the Land Administrator shall endorse or cause to be endorsed, a note of the making thereof on the register document of provisional strata title.
- (3) The Land Administrator shall thereupon if he is satisfied that the application and other documents presented therewith are in order, transmit them to the Director together with his recommendation for approval or rejection.”.

## **21. Power of Director of Lands and Mines in relation to application**

- (1) On receiving an application made under section 20B, the Director shall—
  - (a) approve the subdivision if it appears to him that the conditions specified in section 10 are satisfied; or
  - (b) in any other case, reject the application.
- (2) Where he has approved an application for subdivision of building or land, the Director shall—
  - (a) request the Director of Survey to prepare or cause to be prepared a certified strata plan; and
  - (b) notify the Land Administrator of the approval and direct him to collect from the proprietor, fees as notified by the Director of Survey under paragraph 20A(8)(c) and fees for the preparation and registration of strata titles as may be prescribed under any written law.
- (3) Where he has rejected an application for subdivision of building or land, the Director shall—
  - (a) notify the Land Administrator who shall forthwith inform the proprietor and shall cancel or cause to be cancelled the note thereof endorsed on the register document of provisional strata title under subsection 20B(2); and
  - (b) refund all fees for the preparation and registration of strata titles.

## **22. Action by Director of Survey after approval.**

Upon receipt of the application and the accompanying documents from the Director and upon being informed by the Land Administrator that the survey fees referred to in paragraph (b) of subsection (2) of section 21 have been duly paid, the Director of Survey shall take action as specified in section 13 in respect of-

- (a) the preparation of a new certified strata plan incorporating the changes made to the original certified strata plan by the storey plan referred to in 20A(1)(d)., for filing in his office in place of the original certified strata plan; and
- (b) the preparation of a copy of the new certified strata plan for retention by the Registrar and additional copies thereof for attaching to the issue documents of title of the new parcels, and shall transmit them to the Director the copies so prepared, together with the application and other accompanying documents.

~~22A. Failure to apply under section 20.~~

~~22B. Failure to pay amount demanded.~~

## **23. Modification of strata register, issue of fresh documents of titles and cancellation of provisional document of title.**

- (1) Upon receiving from the Director of Survey the copies of the new certified strata plan and the other accompanying documents and upon being informed by the Land Administrator that the fees

for preparation and registration of strata titles have been paid, the Director shall direct the Registrar to take action as specified in subsection (2).

- (2) On being directed by the Director, the Registrar shall-
- (a) replace the copy of the original certified strata plan in the relevant book of the strata register with the copy of the new certified strata plan prepared for his retention;
  - (b) amend the schedule of share units of the parcels and make such other alterations in the relevant book of the strata register as are necessary to take account of the changes as a result of the completion of the building;
  - (c) prepare, register and issue in accordance with the provisions of section 16, strata titles in respect of the new parcels;
  - (d) endorse on the register document of title in respect of the former provisional block a statement to the effect that strata titles (specifying the title numbers thereof) have been issued to the new parcels in the completed building; and
  - (e) destroy the issue document of provisional strata title.

## **PART V - SUBDIVIDED BUILDINGS: DIVISION AND AMALGAMATION OF PARCELS**

### **24. Interpretation.**

In this Part, unless the context otherwise requires, the words-

"affected" , in relation to a parcel, means affected or intended to be affected by a division or amalgamation;

"amalgamation" means an amalgamation of parcels;

"application" means an application to divide or amalgamate parcels;

"division" means a division of a parcel;

"new", in relation to a parcel, means resulting or intended to result from a division or amalgamation.

### **25. Power to divide and amalgamate parcels.**

- (1) A parcel proprietor may, with the approval of the Director-
- (a) divide his parcel into two or more new parcels, each to be held by him under a separate strata title; or
  - (b) where he holds two or more contiguous parcels, amalgamate them to form one parcel to be held by him under a single strata title.
- (2) For the purposes of paragraph (b) of subsection (1) any two or more parcels shall be taken to be contiguous if each of them shares at least one boundary, including a boundary which consists of a floor or ceiling, with another of them.
- (3) Where the division of a parcel or the amalgamation of two or more parcels results in the creation of any additional or new common property, the proprietor shall obtain the written consent of the management **corporation and the approval from the relevant authorities** before making the application under section 28 for the approval of the Director.

### **26. Effect of division or amalgamation.**

- (1) On a division, the number of share units of each parcel shall be a whole number allotted by the proprietor of the divided parcel as approved by the Director: Provided that the total number of share units of all the new parcels shall be equal to the number of share units of the divided parcel.
- (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.
- (3) Subject to subsections (1) and (2), [the Strata Management Act 2013](#) shall apply in relation to a new parcel in a subdivided building or land as if the new parcel were one of the parcels which came into existence when the building or land was subdivided.

## **27. Conditions for approval of division or amalgamation.**

The Director shall not approve a division or amalgamation unless the following conditions are satisfied:

- (a) that the proposed division or amalgamation would not contravene any restriction in interest to which any of the affected parcels is subject;
- (b) that the proposed division or amalgamation would not be contrary to the provisions of any written law for the time being in force, and that any requirements imposed with respect to the division or amalgamation by or under any such law have been complied with;
- (c) that no item of land revenue is outstanding in respect of any affected parcel;
- (d) that consent in writing to the making of the application has been obtained from every person who at the time when the approval was applied for, was entitled to the benefit of-
  - (i) a charge of an affected parcel;
  - (ii) a lease of an affected parcel or any part thereof, other than, in the case of a division, a part corresponding precisely with or included within one of the new parcels;
  - (iii) a charge of such a lease; or
  - (iv) a lien over an affected parcel or such a lease;
- (da) that, where the division or amalgamation results in the creation of additional common property or new common property, the written consent of the management corporation [and the approval from the relevant authorities](#) to the making of the application has been obtained;
- (e) that where an amalgamation is proposed, each new parcel will have adequate internal means of communication not passing through common property;
- (f) that, where a division is proposed, each new parcel will have adequate means of access not passing through another parcel;
- (g) that the proposed share units assigned to the new parcels by the proprietor in his application in Form 6 are equitable.



## **28. Application for approval.**

- (1) Any application for the approval of the Director to a division or an amalgamation shall be made in writing in Form 6 or 7, as the case may be, to the Land Administrator and shall be accompanied by-
  - (a) such fee as may be prescribed;
  - (b) a plan in triplicate, duly 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 as are required under paragraph (d) of section 27;
  - (da) the written consent of the management corporation **and the approval from the relevant authorities** to the making of the application as required under paragraph (da) of section 27; and
  - (e) the **issue documents** of title of the affected parcel or parcels;
- (2) Upon receiving any application, the Land Administrator shall-
  - (a) endorse or cause to be endorsed a note of the making of the application on the register document of title to each affected parcel; and
  - (b) refer the application to the Director of Survey and transmit to him a copy of the plan submitted under subsection (1).

## **29. Action by Director of Survey.**

The Director of Survey shall, upon receiving a copy of the plan transmitted by the Land Administrator, check the said plan and carry out or cause to be carried out such survey of the affected parcel or parcels as he may consider desirable and advise the Land Administrator as to whether the plans are in order and notify him of the amount of fees to be collected upon approval in respect of such survey and for the preparation of plans.

## **30. Land Administrator to transmit application to Director of Lands and Mines.**

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

## **31. Power of Director of Lands and Mines in relation to application for division or amalgamation.**

- (1) The Director, upon receiving the application and its accompanying documents from the Land Administrator, shall-
  - (a) approve the division or amalgamation to which the plan relates if it appears to him that the conditions specified in section 27 are satisfied; and
  - (b) in any other case, reject the application
- (2) Where the Director has rejected an application, he shall notify the Land Administrator who shall forthwith inform the proprietor and shall cancel or cause to be cancelled the note thereof endorsed on the register document of title under ~~subsection (2) of section 28~~ **paragraph 28(2)(a)**.
- (3) Where the Director has approved a division or an amalgamation, he shall-
  - (a) transmit to the Director of Survey the application and other accompanying documents; and



- (b) notify the Land Administrator of the approval and direct him to collect from the proprietor, fees as notified by the Director of Survey under section 29, and fees for the preparation and registration of strata titles

**32. Preparation of new certified strata plan by Director of Survey.**

The Director of Survey shall, upon receiving the approved application and other accompanying documents, and upon being informed by the Land Administrator that the amount demanded in respect of his fees has been duly paid, take such action as specified in section 13 in respect of-

- (a) preparation of a new certified strata plan incorporating the changes made by the division or amalgamation, for filing in his office in place of the original certified strata plan; and  
(b) preparation of a copy of the new certified strata plan for retention by the Registrar and additional copies thereof for attaching to the issue documents of title, and shall transmit to the Director, the copies so prepared, together with the application and other accompanying documents.

**33. Modification of strata register and issue of fresh documents of title.**

- (1) Upon receiving from the Director of Survey the copies of the new certified strata plan and other accompanying documents, and upon being informed by the Land Administrator that the fees in respect of the preparation and registration of strata title to the new parcel or parcels have been duly paid, the Director shall direct the Registrar to take action as specified in subsection (2).
- (2) On being directed by the Director, the Registrar shall-
- (a) replace the copy of the original certified strata plan in the relevant book of the strata register with the copy of the new certified strata plan prepared for his retention;  
(b) amend the schedule of share units of the parcels and make such other alterations in the relevant book of the strata register as are necessary to take account of the changes made by the division or amalgamation; and  
(c) issue title in continuation to the new parcel or parcels as if he were issuing title in continuation to land subdivided or amalgamated under Chapter 1 or 3 of Part Nine of the National Land Code.

**33A. Effect of registration in respect of common property created upon division or amalgamation.**

Upon the registration of the strata title or titles to the new 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.

**PART VI - RIGHTS AND OBLIGATIONS ATTACHING TO INDIVIDUAL PARCELS AND PROVISIONAL BLOCKS**

**34. Rights of proprietor in his parcel and common property.**

- (1) Subject to this section and other provisions of this Act, a proprietor shall have-
- (a) in relation to his parcel (in the case of a parcel proprietor) the powers conferred by the National Land Code on a proprietor in relation to his land; and  
(b) in relation to the common property, the right of user which he would have if he and the other proprietors were co-proprietors thereof.

- (2) No rights in an accessory parcel shall be dealt with or disposed of independently of the parcel to which such accessory parcel has been made appurtenant.
- (3) No rights in the common property shall be disposed of by a proprietor except as rights appurtenant to a parcel; and any disposition of a parcel by a proprietor shall without express reference include a like disposition of the rights in the common property which are appurtenant to the parcel.

### **35. Rights of support, service and shelter.**

- (1) In favour of and against each parcel proprietor there shall be implied a right of support and a right of service.
- (2) Each parcel proprietor shall be entitled to have his parcel sheltered by all such parts of the subdivided building as are capable of affording shelter and may, for the purpose of replacing, renewing or restoring any such shelter, enter upon the common property or any other parcel.
- (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 such ancillary rights and obligations as are reasonably necessary to make them effective.

- (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.

### **36. Share unit entitlements.**

The value of each parcel, except in the case of an accessory parcel where no share value shall be allotted, shown in the schedule of share units shall be taken as the share unit entitlement, and in the case of a provisional block the value shall be taken as the provisional share unit entitlement. The share units of a parcel or the provisional share units in the case of a provisional block as specified in the strata title or in the provisional strata title, as the case may be, shall determine-

- (a) the voting rights ~~of the proprietors and~~;
- ~~(b) the quantum of the undivided share of each proprietor in the common property; and~~
- (c) the proportion payable by each proprietor of the contribution levied by the management corporation ~~pursuant to section 45, 63 or 66~~ according to the **Strata Management Act 2013**.

### **37. Restrictions on voting rights.**

- ~~(1) Where a parcel proprietor 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.~~

~~(2) (Deleted by Act 1290)~~

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.

### **38. Power of court where no person is able to vote in respect of a parcel.**

Where a court of competent jurisdiction on the application of the management corporation or a proprietor, is satisfied that there is no person who is able to vote in respect of a parcel, the court-

(a) shall, in cases where a unanimous resolution is required; and

(b) may, in any other case,

appoint a Public Trustee or some other fit and proper person to exercise such of the powers of voting attached to the parcel by the ~~Second Schedule~~ Strata Management Act 2013, as the court may determine.

## **PART VII – MANAGEMENT OF A SUBDIVIDED BUILDING**

~~39. Establishment of management corporation.~~

~~40. Restrictions and responsibilities imposed on management corporation during initial period.~~

~~40A. Transfer of ownership of strata titles~~

~~41. Duty of original proprietor to convene first annual general meeting.~~

~~41A. Determination of contributions payable during initial period.~~

~~42. Ownership of common property and custody of issue document of title.~~

~~43. Duties and powers of management corporation.~~

~~44. By laws for the regulation of a subdivided building.~~

~~45. Management fund.~~

~~46. Special account.~~

~~47. Acquisition of additional land, grant and acceptance of easements, etc.~~

~~48. (Deleted by Act A753).~~

~~49. Rating.~~

~~50. Commissioner may appoint managing agent to exercise or perform certain powers, etc.~~

~~51. Appointment of administrator for management corporation.~~

~~52. The recovery of sum as debt due to management corporation.~~

~~53. Recovery of sums due.~~

~~53A. Recovery of sums by attachment of movable property.~~

~~54. Service of documents.~~

~~55. Breaches of provisions of this part.~~

~~55A. Failure to pay contributions.~~

## **PART VIII - TERMINATION OF SUBDIVISION OF SUBDIVIDED BUILDING**

### **56. Power of court when subdivided building is damaged.**

(1) When a subdivided building is damaged but is not totally destroyed, a court of competent jurisdiction on the application of the management corporation, a parcel proprietor, or a registered chargee of any parcel, may by order, settle a scheme for the reinstatement or the continued use of the building in whole or in part and any such scheme may include provision for the transfer of the

interests of the proprietors of parcels which have been wholly or partially destroyed to the other parcel proprietors in proportion to their share units.

- (2) In the exercise of its powers under subsection (1), the court may make such orders as it deems necessary or expedient for giving effect to the scheme, including orders-
- (a) directing the application of insurance moneys received by the management corporation in respect of damage to the 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 as the court thinks fit; and
  - (d) imposing such terms and conditions as the court thinks fit.
- (3) Where an application is made under subsection (1), any insurer who has effected insurance on the building to which the application relates (or on any part thereof) shall have the right to appear on the hearing of the application.

#### **57. Termination of subdivision.**

- (1) The management corporation, where-
- (a) the building is totally destroyed; or
  - (b) the parcel proprietors seek to demolish the building or, in the case of a building which has been partially destroyed, the remaining parts of the building; or
  - (c) there is only one proprietor for all the parcels,
- may be directed by unanimous resolution to take action to terminate the subdivision of the building; and, subject to any order of a court of competent jurisdiction made under subsection (7), the management corporation if so directed shall lodge with the Registrar a notification in Form 8 together with the issue documents of title of the land and the parcels and of provisional blocks, if any.
- (2) On receipt of a notification under subsection (1) the Registrar shall make a memorial of the notification in the register and the strata register, and shall inform the Director of Survey that he has done so.
- (3) On the making of a memorial under subsection (2) in respect of a subdivided building-
- (a) the subdivision shall be terminated and the proprietors shall cease to be proprietors of the parcels and provisional blocks; and
  - (b) the management corporation shall become the proprietor of the lot as the trustee of the former proprietors.
- (4) Where the management corporation becomes the proprietor of the lot under subsection (3)-
- (a) any registered charge on a parcel which existed immediately before the termination of the subdivision shall be converted into a personal obligation of the chargor to pay to the chargee what is due under the charge;
  - (b) each of the former proprietors shall continue to be a member of the corporation, having the same voting rights as he had immediately before the termination of the subdivision;
  - (c) the management corporation shall hold and manage the lot for the benefit of the former proprietors;

- (d) the former proprietors may by unanimous resolution direct the management corporation to transfer the lot to any one or more of the former proprietors or to any other person or body; and
- (e) the management corporation shall distribute any profits arising from its proprietorship of the lot (including any purchase money received on a transfer) to the former proprietors proportionately based on the open market capital value of the parcels ~~to the share units or provisional share units which they held~~ immediately before the termination of the subdivision ascertained in a valuation report prepared and certified by a registered valuer under the Valuers, Appraisers and Estate Agents Act 1981 [Act 242].

(5) Notwithstanding the termination of a subdivision under this section, the relevant book of the strata register shall continue in existence while the management corporation remains the proprietor of the lot and may be used in evidence as a record of matters relating to the subdivision before its termination.

(6) Where the management corporation, having become the proprietor of the lot under subsection (3), transfers the lot in pursuance of a direction under paragraph (d) of subsection (4)-

- (a) the management corporation shall continue in existence for so long as it is reasonably necessary to wind up its affairs and shall then cease to exist; and
- (b) the Registrar shall cancel the relevant book of the strata register.

(7) A court of competent jurisdiction, if it is satisfied that the justice of the case so requires-

- (a) may on the application of the management corporation, a parcel proprietor or the registered chargee of a parcel make an order-
  - (i) directing the management corporation to take action under subsection (1) notwithstanding the absence of a unanimous resolution; or
  - (ii) prohibiting the management corporation from taking action under that subsection notwithstanding a direction given by unanimous resolution; and
- (b) where the management corporation has transferred the lot in pursuance of a direction under paragraph (d) of subsection (4), may on the application of the management corporation, a former proprietor or a former chargee make an order for the winding up of the affairs of the management corporation.

(8) In this section-

"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 proprietor" 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.

## **PART IX – PROVISIONS FOR LOW-COST BUILDINGS**

~~{Deleted by A1290}~~

## PART IXA – STRATA TITLES BOARD

~~67A. Strata Titles Board.~~

~~67B. Tenure of office.~~

~~67C. Continuation of hearing.~~

~~67D. Bar to actions.~~

~~67E. Allowances.~~

~~67F. Board to carry out its work expeditiously.~~

~~67G. Proceedings of Board.~~

~~67H. Order revoking amendment of by-law.~~

~~67I. Order invalidating purported by-law.~~

~~67J. Power of Board to invalidate proceedings.~~

~~67K. Order varying certain rates of interest.~~

~~67L. Order where voting rights denied or due notice of item of business not given.~~

~~67M. Order varying the amount of insurance to be provided.~~

~~67N. Board may settle disputes on the costs of repairs etc..~~

~~67O. Order to make or pursue insurance claim.~~

~~67P. Order to supply information or documents.~~

~~67Q. Order with respect to certain consents affecting common property.~~

~~67R. General provisions relating to orders under this Part.~~

~~67S. Representation before the Board.~~

~~67T. Witnesses may be summoned before the Board.~~

~~67U. Board may administer oath or affirmation.~~

~~67V. Penalty for contravention of certain orders.~~

~~67W. Time when order takes effect.~~

~~67X. Appeal to the High Court on point of law.~~

## PART X - MISCELLANEOUS

**68. (Deleted by Act A753).**

**69. No dealing in accessory parcel independent of a parcel.**

No accessory parcel or any share or interests therein shall be dealt with independently of the parcel to which such accessory parcel has been made appurtenant as shown on the approved strata plan.

**70. No dealing in provisional block.**

(1) No provisional block or any share or interests therein shall be dealt with.

(2) Where any dealing of a provisional block has been registered, such registration shall not pass any title or interest in the said provisional block, and the Registrar shall, upon discovery of the registration, cancel the registration and no person or body affected by such cancellation shall be entitled to any compensation.

**71. (Deleted by Act A753).**

**72. (Deleted by Act A753).**

**73. Other rights and remedies not affected by this Act.**

Nothing in this Act shall affect any other rights or remedies which a proprietor or chargee of a parcel or a management corporation may have, in relation to any parcel or the common property, conferred by any other written law.

**74. Jurisdiction of the Magistrate's Court.**

Any offence under this Act may be tried by a Magistrate's Court and such Magistrate's Court shall, notwithstanding the provisions of the Subordinate Courts Act, 1948 or any other written law, have power to impose the maximum penalty provided for by this Act.

**75. Legal proceedings.**

(1) Every application to the court under this Act shall be by summons in Chambers.

(2) Where there is provision for a sum to be recoverable by any person or any authority from any other person or authority the sum shall be recoverable by an action for debt in any court of competent jurisdiction.

~~**76. Management corporation as representative of proprietors in legal proceedings.**~~

~~**77. Power of management corporation to take proceedings as agent for proprietors in case of structural defects.**~~

~~**78. Costs in proceedings by proprietors against management corporation.**~~

**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, and the provisions of the Limitation Act, 1953 relating to adverse possession shall not extend to such common property and accessory parcel.

**80. Power of entry by public or local authority.**

A public or local authority which is authorised by any written law to enter upon part of a lot for the purposes of exercising any power conferred on it, may enter upon any other part of that lot if it is necessary to do so in order to exercise that power.

**80A. Prosecution.**

No prosecution shall be instituted for an offence under this Act or any rules made under this Act without the consent in writing of the Public Prosecutor.

## **81. Power of state authority to make rules.**

(1) The State Authority may by notification in the *Gazette*, make rules not inconsistent with this Act ~~for giving effect to the provisions of this Act~~, and in particular but without limiting the generality of the foregoing power in respect of all or any of the following matters:

(a) the fees to be paid for any procedures or functions required or permitted to be done under this Act and the remission of such fees;

~~(aa) the fees to be paid in respect of applications made to the Board under this Act and the remission of any such fees;~~

~~(ab) the practice and procedure of the Board;~~

~~(b) the convening of the first annual general meeting of a management corporation;~~

~~(c) the composition, nomination and election of members of the council of a management corporation of a subdivided building;~~

(b) the types of buildings, or the circumstances in which buildings are, to be classified as low-cost buildings;

(c) the types of buildings, or the circumstances in which buildings are, to be classified as special buildings;

(d) the formula for the proposed shared units; and

(e) any matter which by this Act is required or permitted to be prescribed or is necessary or convenient to be prescribed for carrying out or giving effect to any provisions of this Act.

~~—(2) Rules made under subsection (1) may provide for matters which differ in their application according to such factors as are specified in the rules.~~

~~—(3) Rules made under subsection (1) may prescribe a penalty for any breach or contravention thereof of a fine not exceeding one thousand ringgit.~~

## **Saving and Transitional**

(1) Except as otherwise expressly provided in this Act or in rules made under this Act, the provisions of this Act shall apply to strata titles registered before the commencement of this Act.

(2) All applications or other matters that were in the course of being approved, or had been approved but no strata titles had been issued thereon, immediately before the commencement of this Act shall, after the coming into operation of this Act, shall be continued or concluded as if the principal Act had not been amended by this Act.

(3) Except as otherwise expressly provided under this Act, where a period of time specified in the principal Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provisions of this Act had been in force when the period began to run.

(4) The period of time referred to in subsection (3) shall be deemed—

(a) to run from the date or event from which it was running immediately before the commencement of this Act; and

(b) to expire, subject to any provision in this Act for its extension, whenever it would have expired as if this Act had not been enacted, and any rights, priorities, liabilities, reliefs, obligations, requirements, powers, duties or exemptions dependent on the beginning, duration or end of such



period shall be under this Act as they were or would have been under the principal Act.

(5) Any order or proceedings that is pending or commenced under the repealed provisions, before the coming into operation of this Act, shall be continued and concluded under the repealed provisions as if the principal Act had not been amended by this Act.

(6) All proceedings or other matters pending before the appropriate Strata Titles Board under the principal Act, or matters in the course of being heard, or had been heard but no order or decision had been made thereon, immediately before the date of coming into operation of this Act shall, after the date of coming into operation of this Act, be continued as if the principal Act had not been amended by this Act.

(7) Any person who, immediately before the date of coming into operation of this Act, was a President, Deputy President or other member of the Board appointed under the principal Act shall, unless he resigns or otherwise vacates his office or his appointment is revoked, continue to hold that office on or after the date of coming into operation of this Act until the expiry of the period specified in his instrument of appointment.

## **82. Transitional provision.**

- (1) The State Authority may, for the purposes of applying the provisions of this Act to subdivided buildings, subsidiary titles, parcels, common property, management corporations and councils which were in existence prior to the commencement of this Act, with or without modifications, additions or exclusions to or in respect of any such subdivided buildings, subsidiary titles, parcels, common property, management corporations or councils and for purposes incidental thereto, 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.
- (2) Until rules are made under subsection (1), nothing contained in this Act shall apply 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, and the provisions of the National Land Code shall continue to apply thereto in the same manner as before the commencement of this Act.
- (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.

## **83. Repeal and amendment of provisions of the National Land Code.**

- (1) The provisions of the National Land Code as shown in Part I of the Fourth Schedule are repealed.
- (2) The provisions of the National Land Code as shown in the first column of Part II of the Fourth Schedule are amended in the manner set out in the second column thereof.

**84. Amendment of Forms.**

The Minister may, with the approval of the National Land Council, by order notified in the *Gazette* of the Federation, amend or substitute any of the Forms in the First Schedule.

**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 repealed by subsection (1) of section 83 shall, if it could have been made, given or issued under any corresponding provisions of this Act, continue in force, and have the like effect, as if it had been so made, given or, as the case may be, issued.

**STRATA TITLES ACT 1985**

**ACT 318**

**FOURTH SCHEDULE**

*(Section 83)*

*REPEAL AND AMENDMENT OF PROVISIONS OF THE NATIONAL LAND CODE*

**PART I**

*PROVISIONS WHICH ARE REPEALED*

1. Definitions of "subsidiary register" and "subsidiary title" in section 5.
2. Sections 151 to 157 (inclusive).
3. Sections 161 to 163 (inclusive).
4. Sections 355 to 374 (inclusive).
5. First Schedule - Forms 9D, 10A, 10B and 10C.
6. Seventh Schedule, Seventh Schedule - A, Seventh Schedule - B, Eighth Schedule, Ninth Schedule

**PART II**

*PROVISIONS WHICH ARE AMENDED*

***Provision amended***

***Amendment***

1. DEFINITION of "final title" in section 5 For the words "Land Office title and subsidiary title" substitute the words "and Land Office title".
2. DEFINITION of "Registrar" in section 5 Substitute therefor the following:  
"Registrar" means-  
(a) in relation to land held or to be held under Registry title, or under the form of qualified title corresponding to Registry title, a Registrar of Titles or Deputy Registrar of Titles appointed under section 12;  
(b) in relation to land held or to be held under Land Office title, or under the form qualified title corresponding thereto, the Land Administrator.
3. Heading appearing before section 158 Delete the words "(other than the Subsidiary Register)".
4. Section 165(1)(a) For the words "the issue documents appropriate thereto and documents relating to parcels held under subsidiary title", substitute the words and "the issue documents appropriate thereto",
5. Heading appearing before section 256 For the words "PROCEDURE REGISTRY TITLE, QUALIFIED TITLE CORRESPONDING THERETO, AND SUCSIDIARY TITLE," substitute the words, "PROCEDURE REGISTRY TITLE AND QUALIFIED TITLE CORRESPONDING THERETO".
6. Subsection (1) of section 256 Substituting therefor the following:  
"(1) This section applies to land held under-  
(a) Registry tile, or  
(b) the form of qualified title corresponding to Registry title, and to any lease of any such land."
7. Subsection (1) of section 260 Substitute therefor the following:  
"(1) This section applies to land held under-  
(a) Land Office title, or  
(b) the form of qualified title corresponding to Land Office title, and to any lease of any such land."

## FIFTH SCHEDULE

### [Section 4A]

#### 1. Interpretation

~~For the purposes of this Schedule~~ In this Schedule, unless the context otherwise requires—

- “computer printed document of title” means an issue document of title prepared by use of a computer;
- “computer printed register document of title” means a register document of title prepared by use of a computer;
- “existing document of title” means a register document of title registered before the commencement of the Computerization System of Strata Titles and includes an issue document of title in respect thereof, if any;
- “verification document” means a computer print-out, as in Form A showing part of the former contents and the new contents of a document of title after decision by the Registrar on any matter presented for entering into the computer printed document of title;
- “entry” or “enter” in relation to any document of title, includes any endorsement, memorial, note, correction, cancellation or deletion or other entry thereon by use of computer;
- “computer” means any device for storing or processing information and includes the necessary input and output and database of a computer;
- “matter” means any instrument presented for registration or any order, notification, application or other document presented for entry into the register;
- “Computerization System of Strata Titles” means the procedures for the registration of strata titles, the documents required to be prepared thereby and any entry in any document of strata titles through the use of a computer. The System includes both manual and computerized procedures;
- “the Act” means the Strata Titles Act 1985 (Act 138);
- “the Code” means the National Land Code 1965 (Act56/1965).

#### 2. Mode of making an entry on a document of title under the Computerization System of Strata Titles

For the purposes of this Act, whenever an entry is required to be made on the computer printed document of title by the Registrar, it shall be taken as a requirement that –

- (a) the Registrar makes the entry by use of a computer; and
- (b) the Registrar prepares a new computer document of title and cancel and destroy the previous version of the computer printed document of titles.

#### 3. Forms of documents for Registry title or Land Office title

For the purposes of this Act, whenever an entry is required to be made on the computer printed document of title by the Registrar it shall be taken as a requirement that—

- (a) the computer printed register document of title shall be in Form 4(K) in respect of a parcel or in Form 4A(K) in respect of a provisional block; and
- (b) the computer printed issue document of title shall be in the same form as Form 4(K) or Form 4A (K), as the case may be.

#### 4. Plan for strata title to be issued separately

- (1) The plan of the parcel or provisional block shall be issued to the proprietor in Form S(K).
- (2) The Registrar shall, when delivering the computer printed issue document of title to the proprietor, also deliver to him a copy of the plan attached to Form S(K) ~~keep in the Land Registry a copy of the certified strata plan to which it relates as approved by the Director of Survey under paragraph 13(1)(c). The copy of the certified strata plan shall be~~ duly authenticated under the hand and seal of the Director of Survey.
- (3) The Registrar shall keep in the Land Registry a copy of the certified strata plan to which the certified strata plan relates as approved by the Director of Survey under paragraph 13(1)(c) of the Act. The copy of the certified strata plan shall be duly authenticated under the hand and seal of the Director of Survey

#### 5. Conversion to computer printed register document of title

- (1) Upon the coming into operation of the Computerization System of Strata Titles in a Land Registry, the Registrar shall convert the existing register documents of title to the computer printed register documents of title and shall sign and seal the same.
- (2) An existing register document of title shall continue to be in operation and valid for all purposes of this Act until a computer printed register document of title is prepared and signed and sealed by the Registrar.

(3) After the conversion of an existing register document of title, the existing issue document of title in respect thereof shall continue to be in operation and valid for all purposes of this Act until the relevant computer printed issue document of title is prepared and issued to the proprietor.

(4) Any registered proprietor whose strata title comes within the jurisdiction of a Land Registry in which the Computerization System of Strata Titles is implemented may at any time apply for conversion of an existing issue document of title to a computer printed issue document of title by lodging the existing issue document of title at the said Land Registry.

(5) The Registrar may on his own accord convert any existing issue document of title without there being an application made under subparagraph (4).

(6) In respect of an existing document of title prepared under this Act, the computer printed document of title shall be prepared as in Form 2(K), 3(K), 4(K) or 4A(K), as the case may be.

(7) In respect of an existing document of title prepared under the code ~~previous law~~, the computer printed document of title shall ~~bear the like titles with the certified strata plan~~ be deemed to be a process for the preparation of title in continuation under this Schedule

(8) Upon the conversion of an existing document of title under the preceding subparagraphs, the Registrar shall—

(a) make a copy of the plan from the existing register document of title to be attached as Form S(K), and shall be duly authenticated under his hand and seal;

(b) endorse across the face of the existing register document of title to the effect that the title in question has been converted to the computer printed register document of title; and on the making of such endorsement the existing register document of title shall be deemed to have been cancelled;

(c) call upon the registered proprietor to take delivery of the computer printed issue document of title, provided that where the conversion is effected by the Registrar on his own accord under subparagraph (5), he shall not be obliged to deliver to the registered proprietor the computer printed issue document of title unless the existing issue document of title is produced to him; and

(d) cancel and destroy the existing document of title when submitted to him.

#### 6. Mode of preparing document of title

Every document of title to be prepared upon registration of strata titles or replacement of a computer printed register document of title shall, under the Computerization System of Strata Titles, be prepared by use of a computer.

#### 6A Mode of preparing a computerized strata register record

#### 7. Possession of a copy of strata titles

Where a document of title is prepared upon registration of strata title or replacement of a computer printed register document of title, the Registrar shall deliver to the registered proprietor the computer printed issue document of title.

#### 8. Conclusiveness of every folio of computer printed register document of title

For the purposes of sections 15 to 19 of this Act, every folio of a computer printed register document of title is conclusive evidence of the particulars recorded therein.

#### 9. Computer printed document of title to be kept in loose leaf

For the purposes of sections 15 to 19 of this Act, every computer printed document of title registered under this Act, whether upon registration of strata titles or replacement of a computer printed register document of title, shall be kept in loose leaf.

#### 10. Presentation Record

(1) The Registrar shall maintain a record, to be called the “Presentation Record”, by or through the use of a computer, in which there shall be entered a short description of every matter presented for registration or entry, as the case may be.

(2) The Presentation Record shall consist of—

(a) the presentation number given by the computer in respect of each matter presented;

(b) the date and time of presentation;

(c) a description of the matter;

(d) in the case of dealing, the name of the person presenting the matter;

(e) the title description of the parcel affected by the presentation; and

(f) a note whether the matter has been registered, endorsed or entered, as the case may be, rejected or withdrawn.

11. Verification document to be verified

(1) After the Registrar has determined that an instrument is fit for registration in accordance with the provisions of Part III of this Act or that any other matter shall be entered into the document of title, he shall verify the contents of the verification document and if he finds the verification document to be in order, he shall authenticate the document of title under his hand and seal.

(2) After the Registrar has registered any instrument of dealing or enter any other matter into a computer printed document of title, he shall cause the verification document to be filed.

12. Mode of registering instrument

For the purpose of section 15 of this Act, the memorial in the term set out in paragraph (2)(b) thereof shall be entered into the computer in respect of the register document of title to which the parcel or provisional block relates.

13. New computer printed document of title

Upon making the memorial in the manner provided in paragraph 12 where it relates to a dealing or upon determining that any other matter shall be entered into any document of title, the Registrar shall cause a new computer printed register document of title and, where appropriate, a new computer printed issue document of title, to be prepared.

14. Conclusiveness of registration

Every register document of title prepared pursuant to paragraph 13 and authenticated under the hand and seal of the Registrar shall be conclusive evidence of the registration to which it refers and the effective time and date thereof.

15. Reference to Fourteenth Schedule

This Schedule shall be read and construed together with the operation of the Fourteenth Schedule of the Code as if it were a part of it

**Forms:**

STRATA TITLES ACT 1985  
FORM A  
[Paragraph 1 of Fifth Schedule]  
VERIFICATION DOCUMENT

	Verified by (name of Clerk) Signature	Registrar (name of Registrar) Signature
1. Version No:.....		
2. Type of matter:.....		
3. Presentation No:.....Date:..... Time:.....		
4. Presenter:.....		
5. No. of Titles Affected:.....		
(a) Former Contents:.....		
(i) *Title:.....		
(ii) **Affected Presentation:.....		
(iii) ***Others:.....		
6. Action Taken:.....		
7. New Contents:.....		

---

\*State/District/Mukim/Village/Title No./Lot No./L.O. No.

.....  
(Enter as appropriate)

.....  
\*\*Name/Presentation No./Volume/Folio/Date/Time

(Enter as appropriate)

.....  
\*\*\*ID Version No.—Type of Matter-Presentation No.

(Enter as appropriate)

STRATA TITLES ACT 1985  
FORM 2(K)  
[Subparagraph 5(6) of Fifth Schedule]  
STRATA REGISTER INDEX

State :

District :

\*Town/Village/Mukim:

Title Type :

Title No. :

Lot No. :

Area :

File Reference No. :

Name of Management Corporation :

Address of Management Corporation :

Address for Service of Documents :

Strata Register Book No. :

SUMMARY OF CONTENTS

Building/Provisional

Block/Land Parce

Purpose

No. of Parcels

Share Units/Provisional Share Units

Building/s



M1 .....  
M2 .....  
Provisional Block/s  
P1 .....  
P2 .....  
Land Parcel .....  
Total Share Units/Provisional Share  
Units.....

---

Total number of folios in certified strata plan.....

Title :.....  
Date :.....  
Version No. :.....  
Page :.....

DETAILED INDEX

Page No. of Title of Parcel/ Provisional Block/Land Parcel  
Building// Provisional Block/Land Parcel  
List of storeys in each building  
List of parcels in each building/ landarea of each parcel  
Share units of each  
parcel/ provisional block/ land parcel  
Remarks

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)

Building/s: [Use M1,M2, etc., to denote completed building]

M1 ... .. Storey No.  
(Plan Folio No.....) Parcel..... Parcel..... Parcel.....

Total.....

M2 ... .. Storey No.  
(Plan Folio No.....) Parcel..... Parcel.....

Parcel.....

Total.....

etc., etc., etc.,

Provisional Block/s: [Use P1,P2, etc., to denote provisional blocks]

P1 ... .. Storey No.  
(Plan Folio No.....) Parcel..... Parcel..... Parcel.....

Total.....

P2 ... .. Storey No.  
(Plan Folio No.....) Parcel..... Parcel..... Parcel.....

Total.....

Land Parcel [Use L1, L2, etc., to denote land parcel]

L1 ... .. — .....

L2 ... .. -----

Total.....

Title :.....  
Date :.....  
Version No. :.....  
Page :.....

---

LIST OF ACCESSORY PARCELS

Accessory Parcel

Location of Accessory Parcel

Parcel To Which Accessory Parcel is

Appurtenant

Title :.....

Date :.....

Version No. :.....

Page :.....

STRATA TITLES ACT 1985  
FORM 4(K)  
[Subparagraphs 3(a) and (b) and 5(6) of Fifth Schedule]  
STRATA TITLE

TITLE NO.  
BUILDING NO.  
STOREY NO.  
PARCEL NO.  
Rent :  
Lease for the term of....., terminating on .....  
State :  
District :  
Town/Village/Mukim :  
Title Type :  
Lot No. :  
Accessory Parcel :  
Share Units of Parcel :  
Express Condition :  
Restriction in Interest :  
Plan No. :  
Strata Register Book No. :  
Total share units of all subdivided building on the land.....

The above parcel and accessory parcel/s on the land is/are held for the full term of the title, by the proprietor for the time being named in the record of proprietorship herein, subject to the provisions of the Strata Titles Act 1985, to the provisions of the by-laws made thereunder and more particularly to the memorials, endorsements and other entries. Any dealing with this strata title is subject to the restrictions and conditions as in the land title. By virtue of this title, the said proprietor also enjoys voting rights in the management corporation proportionate to the share units of this parcel as specified, in relation to the total share units of all subdivided buildings on the land.

Dated this.....day of.....20.....  
Title :.....  
Date :.....  
Version No. :.....  
Page :.....

RECORD OF MANAGEMENT CORPORATION  
RECORD OF PROPRIETORSHIP  
MEMORIALS, ENDORSEMENTS AND OTHER ENTRIES

---

Title :.....  
Date :.....  
Version No. :.....  
Page :.....

STRATA TITLES ACT 1985  
FORM 4A(K)  
[Subparagraphs 3(a) and (b) and 5(6) of Fifth Schedule]  
PROVISIONAL STRATA TITLE  
DEALINGS PROHIBITED

TITLE NO.

PROVISIONAL BLOCK

Rent :

Lease for the term of....., terminating on .....

State :

District :

Town/Village/Mukim :

Title Type :

Lot No. :

Accessory Parcel :

Share Units of Parcel :

Express Condition :

Restriction in Interest :

Plan No. :

Strata Register Book No. :

Total share units of all subdivided building on the land.....

The above provisional block on the land is held for the full term of the title, by the proprietor for the time being named in the record of proprietorship herein, subject to the provisions of the Strata Titles Act 1985, to the provisions of the by-laws made thereunder and more particularly to the memorials, endorsements and other entries.

By virtue of this title, the said proprietor also enjoys voting rights in the management corporation proportionate to the provisional share units to the provisional block as specified, in relation to the total share units of all subdivided buildings on the land.

Dealings in respect of this provisional strata title or any share or interest therein are prohibited.

Dated this .....day of.....20.....

---

Title :.....

Date :.....

Version No. :.....

Page :.....

RECORD OF MANAGEMENT CORPORATION  
RECORD OF PROPRIETORSHIP  
MEMORIALS, ENDORSEMENTS AND OTHER ENTRIES

.....  
Registrar

---

Title :.....

Date :.....

Version No. :.....

Page :.....

STRATA TITLES ACT 1985  
FORM S(K)  
[Subparagraph 4(1) of Fifth Schedule]  
PLAN OF STRATA TITLE

I certify that the plan attached below is a true copy of the certified plan of the strata plan of the parcel/provisional block. The particulars of the parcel/ provisional block are as follows:

\* Parcel/Accessory Parcel/Provisional Block No:.....  
State:.....  
District:.....  
\*Town/Village/Mukim:.....  
Land Title Type:.....  
Land Title No:.....  
Lot No:.....  
Sheet No:.....  
Certified Strata Plan No: .....  
Scheme No:.....

Plan as attached

Dated this .....day of.....20.....

[Ins. Act A1290:s.51]

“SIXTH SCHEDULE  
[Section 4B] ELECTRONIC STRATA TITLES SYSTEM

**Interpretation**

1. In this Schedule, unless the context otherwise requires—

“computerized strata register” means any record of the strata register which consists of the computerized document of the strata register index, every computerized register document of strata title and copies of the digital certified strata plan corresponding to each parcel and, if any, provisional blocks registered under this Schedule;

“document of strata titles” means any computerized register document of title or computerized issue document of title stored virtually in the land database, and includes a print-out thereof;

“electronic strata titles system” means a system of the integrated Electronic Land Administration System which relates to the electronic processing of applications for strata titles, registration of strata titles, documents required to be prepared thereby and any entry in any document of title through the use of a computer;

“existing document of a computerized strata register record” means any computerized strata register record which consists of existing documents of strata register index, documents of strata register statements, copies of certified strata plans and every register document of strata title corresponding to each parcel and, if any, provisional blocks registered before or after the commencement of the Electronic Land Administration System;

“existing document of title” means any register document of title or issue document of title issued manually or by use of computer registered before or after the commencement of the Electronic Land Administration System;

“the Act” means the Strata Titles Act 1985 [*Act 318*]; “the Code” means the National Land Code 1965 [*Act 56/1965*].

**Construction of the Schedule**

2. This Schedule shall be read and construed with the Sixteenth Schedule of the Code as if it forms part thereof.

**Mode of making an entry on a document of title under the electronic strata titles system**

3. For the purposes of this Act, whenever an entry is required to be made on the computerized document of title, the Registrar shall—

(a) make the entry; and

(b) prepare a new computerized document of title and shall cancel and destroy the previous version of the computer printed document of title.

**Form for computerized document of title**

4. (1) For the purpose of section 16 of the Act, the Registrar shall prepare the documents of strata titles corresponding to the land held under Registry title or Land Office title respectively in which—

(a) the computer register document of title shall be in Form 4e in respect of a parcel or in Form 4ae in respect of a provisional block, of this Schedule; and

(b) the computer printed issue document of title in the same form as specified in subparagraph 1(a).



### **Plan for computerized document of strata titles**

5. The Registrar shall issue the plan attached to Form *Se* of the individual parcel or provisional block, including the plan of accessory parcel, if any, separately to the proprietor and shall duly authenticate under his digital signature.

### **Mode of preparing a record of computerized strata register**

6. (1) For the purpose of subsection 15(2), the Registrar shall, by this Schedule, prepare and maintain a record of computerized strata register relating to one lot and, every such book shall contain—

(a) computerized document of strata register index in Form *2e* to the individual parcel and, if any, appurtenant accessory parcels and to the individual provisional block, if any, comprised in the lot;

(b) a computerized document of strata register statement in Form *3e*;

(c) a copy of the certified strata plan as approved by the Director of Survey pursuant to paragraph 13(1)(a) of the Act; and

(d) every computer register document of title in Form *4e* or in Form *4Ae*, as the case may be.

(2) Notwithstanding paragraph 15(2)(b), every book of computerized strata register under this Schedule shall exclude any statement in Form *3e* as those statement contains all memorials, endorsements and other entries appearing in the register document of the title to the land, which relate to matters capable of affecting any of the parcels or any of the provisional blocks held by strata title or provisional strata title which is subsidiary thereto, not being matters capable of affecting one only of the parcels, or one only of the provisional blocks.

### **Conversion to documents of computerized strata register**

7. (1) Upon the coming into operation of the electronic strata titles system in the Land Registry of the State, the Registrar shall convert the existing documents of a computerized strata register record to the documents of computerized strata register and shall authenticate the same under his digital signature.

(2) An existing register documents of title shall continue to be in operation and valid for all purposes of the Act until a computerized document of title is prepared under this Schedule and duly authenticated by the Registrar.

(3) After the conversion of an existing register document of title, the existing issue document of title in respect thereof shall continue to be in operation and valid for all purposes of this Act until the relevant computer printed issue document of title is prepared and issued to the proprietor.

(4) In respect of an existing document of title prepared under this Act, the computer printed document of title shall be prepared as in Form *2e*, *3e*, *4e* or *4Ae*, as the case may be.

(5) In respect of an existing document of title registered under the Code, the computerized document of title shall be deemed to be a process for the preparation of title-in-continuation under this Schedule.

(6) Upon the conversion of an existing document of title to a computer printed document of title under the preceding subparagraphs, the Registrar—

(a) may produce the plan to be attached to Form *Se* and shall be duly authenticated under his digital signature;

(b) shall make a note of cancellation on the existing register document of title to the effect that the title in question has been converted to the computerized document of title; and

(c) shall destroy the existing document of title when submitted to him.

### **Mode of preparing document of title**

8. (1) Every document of title to be prepared upon subdivision of building, or building and land, or subdivision of land into land parcel or title-in- continuation or replacement of a computerized printed register document of title shall, under this Schedule, be prepared by use of a computer.

(2) Every computerized strata register prepared under this Schedule shall be viewed via a computer for any verification purposes.

(3) Upon request by the Registrar or for any purposes of the Act or any other related laws, every computerized strata register prepared under this Schedule shall be printed out in the respective form accordingly as a copy of computerized register document of title or computerized issued document of title or computerized strata register.

### **Delivery to registered proprietor of a copy of the plan**

9. Where a document of title is prepared upon subdivision of building, or building and land, or subdivision of land into land parcel, or title-in- continuation effected by subdivision of parcel, or amalgamation of parcels, or subdivision of a provisional block upon completion, or replacement of a computer printed register document of title, the Registrar shall deliver to the proprietor the computerized issue document of title together with a copy of the plan of the parcel or provisional block attached to Form Se, and shall be duly authenticated under his digital signature.

### **Conclusive evidence**

10. For the purposes under section 15 to 19 of this Act, every document of a book of computerized strata register virtually stored in the land database shall be conclusive evidence of the particulars recorded therein.

### **Effect of opening the computerized strata register record under the electronic strata titles system**

11. For the purpose of subsection 17(1) and upon authenticating the computerized document of title in respect of the parcel or the provisional block, the Registrar shall immediately enter on the computerized register document of title to the lot in question, a memorial to the effect that the book of computerized strata register has been opened, that the rent has been transmitted to each parcel or provisional block in accordance with share unit entitlements, and that the common property is vested in the management corporation. A memorial required to be stated therein shall be authenticated under the digital signature of the Registrar.

### **Presentation Record**

12. (1) The Registrar shall maintain a record, to be called the "Presentation Record" in which shall be entered a short description of every matter presented or corrected for registration or entry, as the case may be.

(2) The Presentation Record shall consist of—

(a) the presentation number given by the computer in respect of each matter presented;

(b) the date and time of presentation;

(c) a description of the matter;

(d) in the case of dealing, the name of the person presenting the matter;

(e) the title description of the parcel and land parcel affected by the presentation; and

(f) a note whether the matter has been registered, endorsed, or entered, as the case may be, or rejected or withdrawn.

(3) The “Presentation Record” under this paragraph shall form part of the Presentation Record under paragraph 12 in the Sixteenth Schedule to the Code.

### **Correction Record**

13. The Registrar shall maintain a record, to be called the “Correction Record” in which shall be entered a short description of every matter presented or corrected for registration or entry, as the case may be.

### **Contents of computerized document of title to be verified**

14. (1) After the Registrar has determined that an instrument is fit for registration in accordance with the provisions of Part 18 of the Code or that any other matter shall be entered into the computerized document of title, he shall verify the contents of the verification document and if he finds the verification document to be in order, he shall authenticate the document under his digital signature.

(2) After the Registrar has registered any instrument of dealing or enter any other matter into a computer printed document of title, the verification document shall be virtually stored in land database upon his authentication

### **Mode of registering instrument**

15. For the purpose of paragraph 304(2)(a) of the Code, the memorial in the term set out in subsection 304(3) thereof shall be entered into the computer in respect of the register document of title to which the parcel relates.

### **New computerized printed issue document of title**

16. Upon making the memorial in the manner provided in paragraph 14 where it relates to a dealing or upon determining that any other matter shall be entered into any document of title, the Registrar shall —

(a) cause to be updated the register document of title kept in the land database; and

(b) cause to be printed a new computerized issue document of title.

### **Conclusiveness of registration of title**

17. (1) Every register document of title prepared under paragraph 15 and authenticated under the digital signature of the Registrar shall be conclusive evidence of the registration to which it refers and the effective time and date thereof.

(2) Notwithstanding the requirement of authentication under subparagraph (1), the requirement of seal under Registrar’s authentication shall be considered to be dispensed with.

### **Termination of the relevant record of strata register**

18. (1) For the purpose of section 57 of the Act, the Registrar shall—

(a) enter a memorial of the notification of intended termination of subdivision in every computerized register document of title and other document of the relevant record of computerized strata register and shall authenticate the same under his digital signature;

(b) enter a note in the computerized register document of title of such lot to the effect that the proprietorship and rent affecting the parcels and provisional blocks shall cease to be operative, and

the management corporation shall become the proprietor of the said lot as trustee of the former proprietors of strata titles;

(c) inform the Director of Survey of the entry of a memorial made under subparagraph (a); and

(d) cancel the relevant record of computerized strata register subject to a direction under paragraph 57(4)(d).

(2) Notwithstanding the termination of a subdivision under this paragraph, the relevant record of computerized strata register shall continue in existence in the land database while the management corporation remains the proprietor of the lot and may be used in evidence as a record of matters relating to the subdivision before its' termination.

STRATA TITLES ACT 1985 FORM 2e [Sixth Schedule] STRATA REGISTER INDEX

ACT A1450

State District \*Town/Village/Mukim Title No. Lot No. Area File Reference No.

Name of Management Corporation :  
Address of Management Corporation :  
Address for Service of Documents :  
Computer Strata Register Record No. :

SUMMARY OF CONTENTS

*Building/Provisional block/Land parcel*

*Purpose*

*No. of parcels*

*Share units/ Provisional share units*

Building/s M1 . . . . M2 . . . .

Provisional Block/s P1 . . . . P2 . . . .

Land Parcel L1-L . . . .

Provisional Block/s (Land Parcel) PL1 . . . . PL2 . . . .

Total.....

Total number of folios in certified strata plan .....

Title ID : ..... Date: ..... Version No. : ..... Page : .....

DETAILED INDEX

*Page no. of title of parcel/ Provisional block/Land parcel*

*Building/ Provisional block/Land parcel*

*List of storeys/Land parcels and plan folio*

*List of parcels/ Land parcel*

*Share units of each parcel/ Provisional block/Land parcel*

*Rent of each parcel/ Provisional block/Land parcel*

*Remarks*

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)

BUILDING/S:

*[Use M1, M2, etc to denote completed building]*

M1 ..M2 ..etc.

PROVISIONAL BLOCK/S: *[Use P1,P2, etc*

*to denote provisional blocks]*

Storey No...

(Plan Folio No. ....)

Storey No...

(Plan Folio No. ....)

Parcel ..... Parcel ..... Parcel .....

Parcel ..... Parcel ..... Parcel .....

Subtotal .....

Subtotal .....

Subtotal .....

Subtotal .....

*Page no. of title of parcel/ Provisional block/Land parcel*

*Building/ Provisional block/Land parcel*

*List of storeys/Land parcels and plan folio*

*List of parcels/ Land parcel*

*Share units of each parcel/ Provisional block/Land parcel*

*Rent of each parcel/ Provisional block/Land parcel*

*Remarks*

(1)

(2)

(3)

(4)

(5)

(6)

(7)

P1 ...

P2 ...

*etc.*

LAND PARCEL/S: *[Use L1,L2, etc to denote land parcel. \*State the first and the last parcel]*

L1-L ...

*etc.*

PROVISIONAL BLOCK/S (LAND PARCEL)

*[Use PL1, PL2, etc. to denote provisional blocks (land parcel)]*

(Plan Folio No. ....)

(Plan Folio No. ....)

(Plan Folio No. ....)

L1 ... L2 ... L3 ...

Subtotal.....

Subtotal .....

Subtotal.....

Subtotal .....

*Page no. of title of parcel/ Provisional block/Land parcel*

*Building/ Provisional block/Land parcel*

*List of storeys/Land parcels and plan folio*

*List of parcels/ Land parcel*

*Share units of each parcel/ Provisional block/Land parcel*

*Rent of each parcel/ Provisional block/Land parcel*

*Remarks*

(1)

(2)

(3)

(4)

(5)

(6)

(7)

PL1 ...

PL2 ...

*etc.*

(Plan Folio No. ...)

(Plan Folio No. ...)

Subtotal.....

Subtotal .....

Total:.....

*(Continuation sheets to be added as required)*

LIST OF ACCESSORY PARCELS

*\*Enter as appropriate*

*+For purposes of identifying an accessory parcel, prefix the letter A to the number of the accessory parcel*

*++If the accessory parcel is located within a building, indicate the location by reference to the building no. and the storey no.*

Title ID : ..... Date: ..... Version No. : ..... Page: .....

STRATA TITLES ACT 1985 FORM 3e [Sixth Schedule] STRATA REGISTER STATEMENT BOOK FOR THE TITLE NO. ....

**ACT A1450**

The appended schedule contains all those memorials, endorsements and other entries, appearing this day in the register document of the above title, which relate to matters capable of affecting any of the parcels or any of the provisional blocks from this day held by strata title or provisional strata title which is subsidiary title thereto, not being matters capable of affecting one only of the parcels, or one only of the provisional blocks.

Dated this .....day of .....20.....

*Digital Signature of Registrar*

SCHEDULE Express Condition: Restriction in Interest: Memorials, Endorsements or Other Entries:

Title ID : ..... Date : ..... Version No. : ..... Page.....