



LAWS OF SARAWAK

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Chapter 18

STRATA TITLES ORDINANCE, 1995

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LAWS OF SARAWAK

Chapter 18

STRATA TITLES ORDINANCE, 1995

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LAWS OF SARAWAK

Chapter 18

STRATA TITLES ORDINANCE, 1995

An Ordinance to make better provisions in the law relating to strata titles.

*[1st March, 1996]
(Swk. L.N. 6/96)**

Enacted by the Legislature of Sarawak—

PART I

PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the Strata Titles Ordinance, 1995, and shall come into force on such date as the Minister may, by notification in the *Gazette**, appoint.

Interpretation

2. In this Ordinance—

“Authority” means the State Planning Authority established under section 228(1) of the Land Code [*Cap. 81 (1958 Ed.)*];

[Sub. Cap. A79.]

“architect” means an architect registered under the Architects Act 1967 [*Act 117*];

“building”, in relation to a lot which is to be developed in phases, includes any building partially completed or to be erected within the lot as shown or specified in the certified plan and when used with reference to a management corporation, the subdivided building for which the corporation is established;

“certified plan” means, in relation to a subdivided building, the certified plan prepared for the building under section 11(2);

“common property” means, in relation to a subdivided building—

(a) so much of the lot not comprised in or appurtenant to any parcel as shown in the certified plan; and

(b) unless otherwise described as comprised in or appurtenant to any parcel and shown as capable of being and meant to be comprised in or appurtenant to such parcel, includes—

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

(ii) car parks, parking areas, incinerators, recreational and communal facilities and gardens for the use of or serving the building;

(iii) storage places, rooms and other facilities shown in the certified plan and approved by the Superintendent for use by the management corporation;

(iv) lifts, escalators, service pipes, cables ducts and installations for water, electricity, telephones, gas and telecommunication services and facilities, existing for common use;

(v) all facilities described as common property in the certified plan; and

(vi) all other parts of the subdivided building not comprised in any parcel necessary or convenient to the existence and maintenance and for the reasonable usage and safety of the common property;

[Am. Cap. A79.]

“Court” means the High Court in Sabah and Sarawak;

“Director” means the Director of Lands and Surveys, Sarawak, and includes his Deputy;

“documents of subsidiary titles” means the documents of subsidiary title referred to in section 15(1);

“engineer” means an engineer registered under the Registration of Engineers Act 1967 [*Act 138*];

“issue document of title” has the meaning assigned to it in the Land Code [*Cap. 81 (1958 Ed.)*];

“land revenue” means every sum now due, or which shall hereafter become due to the Government on account of any premium or rent payable in respect of alienated land, or under any licence or permit relating to land, and fees of any kind (including arrears fees and any fees, costs or other sums payable in connection with the carrying out of any survey by the Land and Survey Department) chargeable under any written law relating to land;

“land surveyor” means a land surveyor authorized by the Director under section 104 of Land Code [*Cap. 81 (1958 Ed.)*] to conduct survey on land in Sarawak;

“local authority” means a local authority named or listed in the First Schedule to the Local Authorities Ordinance, 1996 [*Cap. 20*];

[Ins. Cap. A79.]

“lot” means, in relation to a subdivided building, the lot on which the building stands;

“management corporation” or “corporation” means, in relation to any subdivided building shown in a certified plan, the management corporation constituted by virtue of the operation of section 23, and includes an administrator appointed by the Court under section 27(1);

“management fund” means the fund established under section 30(1);

“Minister” means the Minister in the Government of Sarawak having responsibility over town and country planning;

“original proprietor” means, in relation to a subdivided building, the proprietor of the lot immediately before subdivision;

“parcel” means one of the individual parcels into which a subdivided building is subdivided;

“provisional block” means a block of building which is shown as a provisional block in an approved subsidiary or extra plan or in any other record maintained by the Registrar under the provisions of this Ordinance;

“provisional share units” means the share value allotted to a provisional block pursuant to section 13(2);

“provisional subsidiary title” means the title registered and issued in respect of a provisional block;

“Register” has the same meaning assigned to it in the Land Code [*Cap. 81. (1958 Ed.)*];

“Registrar” means a Registrar appointed under section 3 of the Land Code [*Cap. 81 (1958 Ed.)*];

“share units” means the share units specified for the parcels of a subdivided building in the book of the subsidiary register relating to the building;

“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;

“subdivided building” means a building subdivided under Part II or, where two or more buildings standing on one lot are so subdivided, those buildings;

“subsidiary proprietor” means the proprietor of a parcel;

“subsidiary register” means the register of subsidiary title maintained under the provisions of section 14;

“subsidiary title” means title issued under Part III to any of the individual parcels within a building which has been subdivided pursuant to Part II or to a provisional block;

“Superintendent” means the Superintendent of Lands and Surveys of the Division in which the land is situated;

“unanimous resolution” means a resolution unanimously passed at a duly convened meeting of the management corporation at which all persons entitled to exercise the right of voting are present either personally or by proxy at the time the resolution was tabled for consideration.

PART II SUBDIVISION OF BUILDINGS

Application of Part X of the Land Code

3. The provisions of Part X of the Land Code [*Cap. 81 (1958 Ed.)*] and rules made thereunder which are not inconsistent with this Ordinance, shall apply to the subdivision of any building to be carried out in accordance with the provisions of this Ordinance.

[Sub. Cap. A79.]

Power to subdivide multi-storeyed buildings and certain buildings ancillary thereto

4.—(1) The proprietor of any alienated land held as one lot under document of title may, with the approval of the Authority, subdivide into parcels, each to be held by him under a separate subsidiary title—

(a) any building thereon having two or more storeys wholly above ground level, and such superficial area on the ground as may be prescribed or, where no such area is prescribed, a superficial area on the ground of at least four hundred and sixty-four square metres; and

(b) any other building thereon used, or intended to be used, in conjunction with that building, not being (in either case) a building of any class or description the subdivision of which is for the time being prohibited:

[Am. Cap. A79.]

Provided always that no subdivision may be effected under this Part—

(a) where any building to be subdivided is a shophouse or had originally been approved by the Authority to be used as a shophouse; or

(b) where any of the land comprised in the lot, or any building thereon, is used for purposes not connected with the building or buildings to be subdivided.

[Sub. Cap. A79.]

(1A) Nothing in paragraph (a) of the proviso of subsection (1) shall apply to any application for development of any land, including any application for subdivision of any building thereon into individual parcels, which has been approved by the Authority or any other lawful authority prior to the date of commencement of the Strata Titles (Amendment) Ordinance, 2000 *[Cap. A79]*.

[Ins. Cap. A79.]

(2) The provisions of Part V shall have effect with respect to such matters as the management of subdivided buildings, and the rights attaching to the individual parcels thereof; and on any subdivision under this Part, any part or parts of the building or buildings in question may be excluded from the individual parcels with a view to their vesting in a management corporation as part of the common property within the meaning of this Ordinance.

Circumstances where it is compulsory for proprietor to apply for subsidiary titles

5.—(1) The proprietor of any alienated land on which there is a completed building or on which he has applied for permission to erect a building and—

(a) the building has or will have five or more storeys wholly above ground level; and

(b) he has sold or agreed to sell any parcel in such building to any person,

shall apply in accordance with the provisions of this Ordinance for a subdivision of the building within the time stipulated in subsection (2):

Provided that upon application in writing by the proprietor or his duly authorized agent, the Minister may, subject to such conditions as he may deem fit to impose, exempt any proprietor from the provisions of this subsection.

(2) The time within which the requirement of subsection (1) shall be complied with shall be—

(a) six months from the date of commencement of this Ordinance; or

(b) the expiry of six months from the date on which the first sale of a parcel in the building took place or the first agreement to sell a parcel in the building is entered into; or

(c) in the case of any building in respect of which approval to build has been given under the Buildings Ordinance, 1994 [*Cap. 8*], six months from the date of the completion of such building,

whichever is the later:

Provided always that the Minister may, upon an application in writing made to him within the period specified above, extend the same for a period of not more than six months.

(3) Where an application for subdivision of a building to which this section applies is not made within the period stipulated in subsection (2) or within such extended period as the Minister may allow thereunder, the proprietor shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand ringgit and to a further fine not exceeding one thousand five hundred ringgit for each day the offence continues to be committed.

(4) In this section—

(a) a “completed building” or “completion of a building” means a building certified under the Buildings Ordinance, 1994 [*Cap. 8*] or the Buildings Bylaws made thereunder, to be fit for occupation or use; and

(b) “sale” or “agreed to sell” shall mean a duly executed agreement between the owner of a building or any parcel thereof to sell any parcel in the building to another party and consideration or any part thereof for the sale has been received by the owner, and the date of the sale shall be deemed to be the date of execution of the Agreement or the date when consideration or any part thereof is received by the owner, whichever is the later.

[*Sub. Cap. A79.*]

(5) For the purpose of subsection (1), an application for the approval of the Authority to the subdivision of a building shall be treated as not being in accordance with the provisions of this Ordinance if the application is defective by reason of any material non-compliance with any of the requirements of this Ordinance or Part X of the Land Code [*Cap. 81 (1958 Ed.)*] or any other written law.

[*Am. Cap. A79.*]

Conditions for approval of subdivision

6.—(1) The Authority shall not approve the subdivision of any building or buildings under this Part unless the following conditions are satisfied:

(a) that it has been certified by a land surveyor that the building or buildings including any approved eave, awning and balcony are situated wholly within the boundaries of the lot in question;

(b) that, in the case of any building the erection of which plans and specifications to be approved under the Buildings Ordinance, 1994 [*Cap. 8*], are required—

(i) it has been certified by an architect or an engineer that the building was constructed in accordance with the said plans and specifications, stating therein the date on which such approval was given and the reference number thereof (if any); or

(ii) the case falls under section 7, and the requirements of that section have been satisfied;

(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 law have been complied with;

(d) that, in the case of any building for the erection of which planning permission was required, it has been certified by the appropriate authority, that the building was constructed in accordance with the plans and specifications by reference to which that permission was given;

(e) that no item of land revenue is outstanding in respect of the land;

(f) that every person who, at the time when the approval was applied for, was entitled to the benefit of—

(i) a charge of the land;

(ii) a sublease of the whole or any part thereof, other than a part corresponding precisely with or included within, one of the parcels to be created on the subdivision;
or

(iii) a charge of such a sublease,

has consented in writing to the making of the application; and

(g) that the issue document of title for the land on which the building or buildings are to be situated has a term of not less than twenty years to run.

[Am. Cap. A79.]

(2) In the case of an application involving a provisional block or blocks by virtue of section 7 (1), the Authority shall not approve the subdivision of any building to which the application relates unless the following additional conditions are also satisfied:

[Am. Cap. A79.]

(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 5 is equitable; and

(c) that the proprietor has—

(i) given the date by which he undertakes that the construction of the building or each building to which the provisional block or blocks relate will be completed;

(ii) paid to the Authority in respect of each provisional block a deposit of such reasonable amount as the Authority may require; and

(iii) furnished to the Authority a written statement to the effect that he agrees that the amount of the deposit be forfeited to the Government in the event that by that date or by such later date as the Authority may allow, the construction of the building to which the provisional block relates is not completed or, if completed, the building has not been certified under the Buildings Ordinance, 1994 *[Cap. 8]*, to be fit for occupation or use.

[Am. Cap. A79.]

Application for subdivision in the case of phased development

7.—(1) An application under section 9 may include an application for the issue of a provisional subsidiary title or titles for a provisional block or blocks in respect of a building or buildings, being a building or buildings capable according to section 4 of being subdivided, proposed to be, or in the course of being, erected on the lot in question.

(2) Where an application under section 9 involves a provisional block or blocks by virtue of subsection (1), 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 to be subdivided, be observed in making the application:

(a) the application shall be accompanied by the building plans approved under the Buildings Ordinance, 1994 [*Cap. 8*], for the building or buildings to be, or in the course of being, erected, to be submitted in triplicate;

(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 dimensions of the building to which the provisional block relates;

(c) the application shall be accompanied, as forming part of the proposed certified plan, by a storey plan in triplicate 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 to which the provisional block relates, without it being necessary to show any bearings; and

(d) the proposed certified plan shall show the proposed quantum of provisional share units for each provisional block.

Approved plans not available

8. If the plans and specifications by reference to which approval for the erection of the building under the Buildings Ordinance, 1994 [*Cap. 8*], was given, are not available, so that it is not possible to comply with section 6(1)(b)(i) or section 7(2), the application under section 7(1) or section 9, shall be accompanied—

(a) in lieu of such plans and specifications, by plans of the building, in triplicate, certified by an architect, as having been drawn according to the actual features of the building and as truly representing those features; and

(b) a certificate of a duly authorized officer under the Buildings Ordinance, 1994 [*Cap. 8*], that the building as represented by the plans referred to in paragraph (a) was erected with the requisite approvals given under the Buildings Ordinance, 1994 [*Cap. 8*], but the plans and specifications are no longer available, but nevertheless, that the building, as represented by the plans mentioned in paragraph (a) satisfies the requirements of the Buildings Ordinance, 1994 [*Cap. 8*].

Applications for approval

9.—(1) Any application for the approval of the Authority to the subdivision of any building or buildings shall be made in writing to a Superintendent in Form 1 in the First Schedule, and shall be accompanied by—

(a) such fee as may be prescribed;

(b) an index plan containing the details specified in subsection (2);

(c) in relation to each storey of each building, a storey plan containing the details specified in subsection (3);

(d) two additional copies of the index plan, and of each of the storey plans;

(e) the certificate referred to in section 6(1)(d) showing the date on which the approval of the appropriate authority was given and the reference number thereof (if any);

(f) all such written consents to the making of the application as are required under section 6(1)(f); and

(g) the issue document of title to the lot or a copy thereof.

[Am. Cap. A79.]

(2) Every index plan shall—

(a) specify the document of title reference of the land comprised therein;

(b) delineate the boundaries and boundary marks of the land and the position of all buildings thereon, showing which of those buildings are to be subdivided;

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

(d) include a vertical section of each such building, showing the floors and ceilings, and the height, of each storey; and

(e) contain such other details as the Superintendent or the Authority may require.

[Am. Cap. A79.]

(3) Every storey plan shall—

(a) specify the number of the lot, the title number of the land comprised therein, and the building and numbered storey thereof to which the plan relates;

(b) define by reference to walls of permanent construction (but without it being necessary to show any bearings) the boundaries of each of the proposed parcels within the storey;

(c) indicate in respect of each such parcel the index-letter or number by which it is described in Form 1 in the First Schedule;

(d) specify the total area of each such parcel;

(e) distinguish such parts of the storey as are not to be included in any of the parcels but are to become part of the common property as mentioned in section 4(2); and

(f) contain such other details as the Superintendent or the Authority may require.

[Am. Cap. A79.]

(4) An application under subsection (1) shall be accompanied by the issue document of title to the lot.

(5) Upon receiving any application under subsection (1), the Superintendent, if satisfied that it and the other documents presented therewith are in order, shall forward the application to the Authority through the Director, and simultaneously transmit a copy of the application and other documents to the Registrar who shall cause a note of the making thereof to be endorsed on the Register.

[Am. Cap. A79.]

Powers of Superintendent in relation to applications

10.—(1) On any application under section 9(1), the Authority shall—

(a) if it appears to it that the conditions specified in section 6 are satisfied and that each of the proposed parcels will have—

(i) an adequate means of access not passing through another parcel; and

(ii) adequate means of internal communication not passing through the common property,

approve the subdivision;

(b) in any other case, reject the application:

Provided that where any such application includes proposals for the creation of one or more parcels extended beyond the limits of a storey the Authority shall, notwithstanding paragraph (a), reject the application unless, in its opinion, the proposals are warranted by the special circumstances of the case.

[Am. Cap. A79.]

(1A) The decision of the Authority shall be communicated by its Secretary to the Superintendent who shall then notify the proprietor of the outcome of his application.

[Ins. Cap. A79.]

(2) Where the Authority has approved any subdivision under this Part, the Superintendent shall—

(a) estimate the amount of the fees chargeable in respect of —

(i) any survey to be carried out under section 11(1)(a); and

(ii) the preparation of plans, and copies of plans pursuant to paragraphs (b) and (c) of that subsection; and

(b) call for the payment of that amount by the proprietor.

[Am. Cap. A79.]

(3) Where the Authority rejects any application under this Part, the Superintendent shall notify the Registrar, who shall cause to be cancelled the note thereof endorsed on the Register pursuant to section 9(5).

[Am. Cap. A79.]

Action by Superintendent after approval of subdivision

11.—(1) Where, after any subdivision has been approved under this Part, and the amount of fees demanded (pursuant to section 10(2)) for the purposes of this subsection has been duly paid, the Superintendent shall—

(a) carry out or cause to be carried out such survey of the land in question, and any of the buildings thereon, as he may consider desirable;

(b) from the relevant index plan and storey plans—

(i) prepare, or cause to be prepared, with such modifications as he may consider necessary in the light of any such survey; and

(ii) file in his office,

a certified plan complying with the requirements of subsection (2); and

(c) prepare one copy of the certified plan for deposit with the Registrar, and (for the purpose of their being attached to the issue document of subsidiary title to the parcels to be created on the subdivision) additional copies thereof, or copies of the various folios thereof, as mentioned in subsection (4).

(2) The certified plan prepared by the Superintendent pursuant to subsection (1)(b) shall be a plan delineating, on as many folios as he may consider most suitable for the purpose, the several storeys of the building or buildings to be subdivided, and the parcels within each storey; and every folio shall contain also—

(a) a vertical section of the building or buildings to be subdivided, showing the position therein of the storey or storeys to which it relates; and

(b) a plan of the land, showing the position of every building thereon.

(3) For the purposes of the preparation of any such 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 plan, be taken to be the centre of the floor, wall or ceiling, as the case may be.

(4) Where any such plan consists of one folio only, the number of additional copies thereof to be prepared pursuant to subsection (1) (c) shall be equal to the total number of parcels in the building or buildings to be subdivided; and 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.

Issue of subsidiary title to individual parcels

12. When the documents referred to in section 11 have been prepared, the Superintendent shall call upon the proprietor for payment of—

(a) any amount underpaid; and

(b) the fees chargeable in connection with the preparation and registration of documents of subsidiary title to the individual parcels (giving credit for any amount overpaid); and as soon as the amounts so demanded have been paid, the Superintendent shall require the Registrar to open a book of the subsidiary register in accordance with the provisions of section 14, and to prepare, register and issue documents of subsidiary title in accordance with the provisions of section 15.

Share units

13.—(1) Each parcel of any building or buildings subdivided under this Part shall have a share value, which—

(a) shall be expressed in whole numbers, to be known as share units; and

(b) shall be assigned by the proprietor of the lot and specified in his application in Form 1 in the First Schedule.

(2) The share value in respect of a provisional block shall be expressed in whole numbers and taken as provisional share units.

PART III

THE SUBSIDIARY REGISTER

Preparation and maintenance of register of subsidiary title

14.—(1) The Registrar shall prepare and maintain for the purposes of this Ordinance a register of subsidiary title, to be known as the subsidiary register.

(2) The subsidiary 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 in the First Schedule to the individual parcels comprised in the lot;

(b) a statement in Form 3 in the First Schedule which, subject to subsection (4), shall—

(i) set out (or, where appropriate, summarize) so far as they relate to matters capable of affecting any of those parcels, all memorials, endorsements and other entries which appeared on the Register at the time the statement was authenticated by the Registrar; or

(ii) confirm that there were no so such entries;

(c) the copy, prepared for retention by the Registrar pursuant to section 11(1)(c), of the certified plan referred to in paragraph (b) of that subsection; and

(d) the register of the document of the subsidiary title to each parcel.

(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 in the First Schedule shall be supplied to the Registrar by the proprietor of the lot.

(4) For the purposes of the statement in Form 3 in the First Schedule, no account shall be taken of any sublease or tenancy relating to a part of a building which corresponds precisely with, or is included within, one of the parcels created on the subdivision, or of any charge of, such a sublease; but any such sublease, tenancy or charge shall be endorsed on the register of the document of subsidiary title to the parcel in question.

Documents of subsidiary title

15.—(1) The Registrar shall prepare documents of subsidiary title in respect of—

- (a) a parcel; and
- (b) a provisional block, if any.

(2) The documents of subsidiary 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 subsidiary title in Form 4 of the First Schedule; and
- (b) an issue document of subsidiary title, consisting of a copy of the register document to which shall be attached—
 - (i) the copy of the certified plan or of the relevant folio of that plan prepared under section 11(1)(c); and
 - (ii) where appropriate, a copy of the statement in Form 3 in the First Schedule:

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 subsidiary title shall be such as may be prepared in accordance with the Fourth Schedule of this Ordinance.

(3) Every document of subsidiary 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) In the case of a provisional block, the Registrar shall endorse the word "Provisional" on both the register and issue documents of subsidiary title and enter an appropriate caution thereon prohibiting the registration of any dealings in respect of the provisional block comprised therein.

(5) The registration of the documents of subsidiary 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 Part VII of the Land Code [*Cap. 81 (1958 Ed.)*] shall apply to documents of subsidiary titles as they apply to other documents of title.

Effect of opening book of subsidiary register

16.—(1) On authenticating the statement in Form 3 in the First Schedule required to be contained in any book of the subsidiary register, the Registrar shall make on the Register and issue document of title in question a memorial to the effect that the book has been opened, and that the common property is vested in the management corporation, and shall return the issue document of title to that corporation.

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

PART IV

PROVISIONAL BLOCK: ISSUE OF SUBSIDIARY TITLES UPON COMPLETION OF BUILDING

Application for subsidiary titles upon completion of building

17.—(1) The proprietor of a provisional subsidiary title shall, as soon as a building in respect of that title has been completed and certified under the Buildings Ordinance, 1994 [*Cap. 8*], to be fit for occupation or use but in any case within six months from date the building is so certified, make an application for the approval of the Authority, through the Superintendent, for the issue of separate subsidiary titles to the parcels in the completed building:

Provided that the Authority may, upon application of the proprietor made before the expiry of the said period, extend the same for a period of not exceeding six months.

[Am. Cap. A79.]

(2) The application shall be made in writing in Form 5 in the First Schedule to the Superintendent and shall be accompanied by—

- (a) such fee as may be prescribed;
- (b) a certificate of an architect that the provisional block has been completed in accordance with the approved building plan and any approved amendments thereto;
- (c) a certified true copy of the approved building plan and approved amendments thereto referred to in paragraph (b), and a storey plan in triplicate in respect of each storey of the completed building, duly certified by a land surveyor as required under section 7(2)(c) and containing such details as are specified in section 9(3);
- (d) a certificate by a land surveyor that the building including any approved eave, awning and balcony is situated wholly within the lot in question;

(e) a certificate by a land surveyor that the building including any approved eave, awning and balcony is situated wholly within the boundaries of its position as delineated in the location plan referred to in section 7(2)(b);

(f) a certificate issued under the Buildings Ordinance, 1994 [*Cap. 8*], stating that the building is fit for occupation or use;

(g) a statement showing the proposed allocation of the provisional share units among the new parcels; and

(h) the issue document of provisional subsidiary title.

(3) Upon receipt of the application, the Superintendent shall endorse or cause to be endorsed a note of the making of the application on the register document of title of the provisional block.

(4) The Superintendent shall check the said plan and carry out or cause to be carried out such survey of the building or parcels as he may consider desirable.

Power of Authority in relation to application

18.—(1) The Authority shall, upon being satisfied that—

(a) the building has been completed in accordance with the approved building plan and any approved amendments thereto;

(b) there has been no change in the number of parcels comprised in the building and the total area of the building as submitted pursuant to section 7(2)(a), and there has been no change in the total share units for the parcels from the quantum of provisional share units shown pursuant to section 7(2)(d);

(c) the proposed allocation of share units among the new parcels is equitable;

(d) there is adequate means of access to each parcel not passing through another parcel; and

(e) there is adequate means of internal communication not passing through the common property,
approve the application.

[Am. Cap. A79.]

(2) Where the Authority has approved any application, the Superintendent shall—

(a) transmit to the Registrar the application and other accompanying documents; and

(b) notify the Registrar of the approval and direct him to collect from the proprietor, all fees for the approval of the application for issue of subsidiary titles, preparation and registration of subsidiary titles.

[Am. Cap. A79.]

Action by Registrar after approval

19. Upon receipt of the application and the accompanying documents from the Superintendent and upon payment of the fees referred to in section 18(2)(b), the Registrar shall take such action in respect of—

(a) the preparation of a new certified plan incorporating the changes made to the original certified plan by the storey plan referred to in section 17(2)(c), for filing in his office in place of the original certified plan; and

(b) the preparation of a copy of the new certified plan for his retention and additional copies thereof for attachment to the issue documents of subsidiary title of the new parcels,

and shall transmit to the Superintendent the copies so prepared, together with the application and other accompanying documents.

Modification of subsidiary register, issue of fresh documents of title and cancellation of provisional document of title

20.—(1) Upon being satisfied that the copies of the new certified plan and the other accompanying documents are in order, and upon being satisfied that the fees for preparation and registration of subsidiary titles have been paid, the Superintendent shall direct the Registrar to take action as specified in subsection (2).

(2) On being directed by the Superintendent, the Registrar shall—

(a) replace the copy of the original certified plan in the relevant book of the subsidiary register with the copy of the new certified 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 subsidiary 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 section 15, subsidiary 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 subsidiary 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 subsidiary title.

Failure to apply under section 17

21. Where an application under section 17(1) is not made within the period specified in that subsection, or within that period as extended under subsection (2) of that section, the proprietor of the provisional subsidiary title shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand ringgit and to a further fine not exceeding one thousand ringgit for each day the offence continues to be committed.

Failure to pay amount demanded

22. If the proprietor of the provisional subsidiary title fails to pay any amount demanded pursuant to section 18(2) within one month of being served with the demand, he shall be guilty of an offence, and liable on conviction to a fine not exceeding one thousand ringgit and to a further fine not exceeding fifty ringgit for each day the offence continues to be committed.

PART V

SUBDIVIDED BUILDINGS

Chapter 1—The Management Corporation

Establishment, etc., of the corporation

23.—(1) Upon the opening of a book of the subsidiary register in respect of a subdivided building, there shall, by the operation of this section, come into existence a management corporation consisting of all the subsidiary proprietors including, in the case of phased development of a building, the proprietor of a provisional subsidiary title.

(2) The management corporation constituted under subsection (1) shall be issued by the Registrar with a certificate of incorporation in the prescribed form and shall be known by the name appearing in the subsidiary register for the subdivided building, and shall be a body corporate having perpetual succession and a common seal, and may sue and be sued.

[Am. Cap. A79.]

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

(4) It shall be the duty of the original proprietor to convene the first annual general meeting of the management corporation within ninety days from the date the management corporation is constituted under subsection (1).

(5) If the original proprietor fails to comply with subsection (4), he shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand ringgit.

(6) (a) Without prejudice to subsections (4) and (5), if the original proprietor fails to convene the first annual general meeting within the period specified in subsection (4), the Superintendent may, on his own motion or on application by a proprietor or chargee of a parcel, by notice in writing appoint such person as he deems fit to convene the first annual general meeting of the management corporation within such time (not exceeding sixty days) from the date of such notice, as may be specified by the Superintendent therein.

(b) The notice issued by the Superintendent pursuant to paragraph (a) shall be exhibited in a conspicuous place in the subdivided building and sent by post to each of the subsidiary proprietors of the parcels therein.

(7) The provisions of the Second Schedule shall have effect in relation to the management corporation and its council.

Ownership of common property and custody of issue document of title

24.—(1) The management corporation upon its establishment shall become the proprietor of the common property and the custodian of the issue document of title.

(2) The management corporation shall have in relation to the common property the powers conferred by the Land Code [*Cap. 81 (1958 Ed.)*] on a proprietor in relation to his land:

Provided that—

(i) except where it is specifically provided otherwise, those powers may be exercised only on the authority of a unanimous resolution; and

(ii) the corporation shall not have power to transfer any portion of the common property which forms part of the building or of the land on which the building stands.

Pre-existing contracts

25. The rights and liabilities of the original proprietor in a contract touching a subdivided building shall, to the extent that they were subsisting immediately before the subdivision, devolve upon the management corporation on its establishment.

Duties and powers of the corporation

26.—(1) It shall be the duty of the management corporation—

(a) to control, manage and administer the common property;

(b) to keep the common property in good repair;

(c) to pay the rent of the lot;

(d) unless otherwise directed by unanimous resolution, to insure the building to its replacement value against fire and to keep it so insured;

(e) to effect such other insurance of the building as may be required by law;

(f) to insure against such other risks as the subsidiary proprietors may by unanimous resolution direct;

(g) subject to any order made by the Court under section 35, to apply insurance moneys received by it in respect of damage to the building in re-building and re-instating the building, so far as it may be lawful to do so;

(h) to pay the premiums on any policy of insurance effected by it;

(i) to comply with any notice or order by a competent public, local or planning authority requiring the abatement of a nuisance on the common property or ordering repairs or other work to be done in respect of the common property; and

(j) where a notice or order of the kind mentioned in paragraph (i) is given or made in respect of any of the parcels, to comply with the notice or order if the subsidiary proprietor of the parcel fails to do so within a reasonable time.

(2) The powers of the management corporation shall include the following:

(a) to recover from any subsidiary proprietor any sum expended by the management corporation in respect of that proprietor's parcel in compliance with any such notices or orders as are referred to in subsection (1)(i);

(b) to purchase, hire or otherwise acquire movable property for use by the subsidiary proprietors in connection with their enjoyment of the common property;

(c) to borrow moneys required by it in the exercise of its powers or the performance of its duties;

(d) to secure the repayment of moneys borrowed by it and the payment of interest thereon by negotiable instrument or by a charge of unpaid contributions to the management fund, (whether already levied or not) by a charge of any property vested in it or by a combination of any of those means; and

(e) to do all things reasonably necessary for the performance of its duties under this Part and for the enforcement of the bylaws set out in the Third Schedule.

(3) Where the management corporation performs any repairs, work or act that is required or authorized by or under this Part or by or under any other written law to perform (whether or not the repairs, work or act were or was performed consequent upon the service on it by any Government or statutory authority of any notice or order), but the repairs, work or act were or was wholly or substantially the liability or the responsibility of the subsidiary proprietor of a parcel only, or wholly or substantially for the benefit of some of the parcels only, any money expended by the management corporation in performing the repairs, work or act shall—

(a) in the case where the repairs, work or act were or was wholly or substantially the liability or the responsibility of the subsidiary proprietor of a parcel only, be recoverable by the management corporation in an action in a court of competent jurisdiction as a debt due to it jointly and severally from—

(i) the relevant subsidiary proprietor of the parcel at the time when the repairs, work or act were or was performed; and

(ii) the relevant subsidiary proprietor of the parcel at the time when the action was commenced; or

(b) in the case where the repairs, work or act were or was wholly or substantially for the benefit of some of the parcels only, or wholly or substantially the liability or the responsibility of the subsidiary proprietors of some of the parcels only, be recoverable by the management corporation in an action in a court of competent jurisdiction as a debt due to it jointly and severally from—

(i) the relevant subsidiary proprietor of each of such parcels at the time when the repairs, work or act were or was performed; and

(ii) the relevant subsidiary proprietor of each of such parcels at the time when the action was commenced, the amount payable by any subsidiary proprietor and former subsidiary proprietor in respect of any parcel being not more than the proportion of the debt which the share unit of the parcel then bears to the total share units of all those parcels.

(4) A subsidiary proprietor of a parcel who is not the proprietor of the parcel at the time when the repairs, work or act referred to in subsection (5) were or was performed shall not be liable to pay the management corporation any amount due under that subsection if he has, at any time on or within twenty-one days before the date he acquired the title or interest in the parcel, made a requisition in writing to the management corporation to inquire about the amount (if any) recoverable by the management corporation under that subsection in respect of the parcel and the management corporation has—

(a) certified that no amount is recoverable by the management corporation in respect of the parcel; or

(b) not given a reply to the requisition at any time within fourteen days of the date of the service of the requisition.

(5) Where the management corporation incurs any expenditure or performs any repairs, work or act that it is required or authorized by or under this Part or by or under any other written law to perform (whether or not the expenditure was incurred or the repairs, work or act were or was performed consequent upon the service on it by any Government or statutory authority of any notice or order) and the expenditure or the repairs, work or act were or was rendered necessary by reason of any wilful or negligent act or omission on the part of, or breach of any provision of its bylaws by any person or his tenant, lessee, licensee or invitee, the amount of that expenditure or any money expended by it in performing the repairs, work or act shall be recovered by it from that person as a debt in an action in any court of competent jurisdiction.

(6) The management corporation shall be deemed—

(a) for the purpose of effecting any insurance under subsection (1)(d) or (e), to have an insurable interest in the building to its replacement value; and

(b) for the purpose of effecting any insurance under paragraph (f) of that subsection, to have an insurable interest in the subject matter of the insurance.

(7) A policy of insurance taken out by the management corporation under this section in respect of the building shall not be liable to be brought into contribution with any other policy of insurance, except another policy taken out under this section in respect of the same building.

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

Appointment of administrator for the corporation

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

Provided that no application shall be made to the Court under this section where the Minister has appointed any local authority to act as and perform the powers, duties and functions of a management corporation in respect of any subdivided building pursuant to section 27A.

[Ins. Cap. A79.]

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

(3) The administrator shall to the exclusion of the management corporation exercise the powers and perform the duties of the corporation, or such of them as the Court may direct:

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

(4) The administrator may delegate the exercise of any of his powers or the performance of any of his duties.

(5) The Court on the application of the administrator or any person or body entitled to apply under subsection (1) may remove or replace the administrator.

Local Authority to act as management corporation

27A.—(1) Where the Minister is satisfied—

(a) that a building to be subdivided has been completed and a local authority has, pursuant to the Buildings Ordinance, 1994 [*Cap. 8*], certified the completion thereof but a book of the subsidiary register in respect thereof has not been opened; or

(b) that a management corporation for any subdivided building constituted under section 23(1) has failed or neglected to discharge the duties or functions imposed by this Part on the management corporation; or

(c) in relation to any particular subdivided building which has been completed, it is in the interests of the subsidiary proprietors thereof that the building should be managed by a local authority rather than by a management corporation,

he may, by order published in the *Gazette*, appoint a local authority having jurisdiction over the area where the subdivided building is situated, to act as and perform all the powers, duties and functions of a management corporation under this Part.

(2) The Minister may, by order published in the *Gazette*, discharge a local authority appointed under subsection (1) from the exercise of the duties, powers and functions imposed on a management corporation if the Minister is satisfied that the management corporation constituted under section 23(1) is able, willing and competent to carry out such duties, powers and functions.

(3) The expenses, fees and other incidental costs incurred by a local authority appointed under subsection (1) in the discharge of the duties, powers and functions of a management corporation shall be a charge upon the management fund of the management corporation or upon the subsidiary parcels or common property of the subdivided building.

(4) Nothing herein shall prevent a local authority from charging any rates, fees or charges which it may impose, as a local authority under the provisions of the Local Authorities Ordinance, 1996 [*Cap. 20*], on the subdivided building or any parcel thereof, as a rateable holding.

[Ins. Cap. A79.]

Offences by the corporation

28. If default is made by the management corporation in complying with—

- (a) section 26(1)(i); or
- (b) section 26(1)(j); or
- (c) section 29(4); or
- (d) section 33(1); or
- (e) section 34(1),

the corporation and every member of its council who is knowingly a party to the default shall be guilty of an offence: Penalty, a fine of two thousand ringgit.

[Am. Cap. A79.]

Chapter 2—Management of the Building

Bylaws for regulation of the building

29.—(1) The bylaws contained in the Third Schedule shall have effect in relation to every subdivided building.

(2) The management corporation may by special resolution make bylaws (not being inconsistent with the bylaws contained in the Third Schedule) for regulating the control, management, administration, use and enjoyment of the building.

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

(a) on the part of the management corporation with each subsidiary proprietor; and

(b) on the part of each subsidiary proprietor with every other subsidiary proprietor and with the management corporation, to observe and perform all the provisions of the bylaws.

(4) On the application of a subsidiary proprietor or any person or body authorized in writing by him, the management corporation shall make available for inspection the bylaws for the time being in force in respect of the building.

(5) No bylaw shall be capable of operating—

(a) to prohibit or restrict the transmission, transfer, sublease or charge of, or any other dealing with, any parcel of a subdivided building; or

(b) to destroy or modify any easement expressly or impliedly created by or under this Part.

(6) In subsection (5), “easement” includes a right or obligation created by section 38.

The management fund

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

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

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

(a) determine from time to time the amounts to be raised for the purposes mentioned in subsection (1); and

(b) raise the amounts so determined by levying contributions on the subsidiary proprietors in proportion to the share units of their respective parcels.

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

(a) the amount of any contribution determined as the contribution of the subsidiary proprietor;

(b) the manner in which the contribution is payable;

(c) the extent (if any) to which the contribution has been paid; and

(d) the amount of any rate paid in respect of the subsidiary proprietor's parcel by the management corporation under section 33 and not recovered by it,

and in favour of any person or body dealing with the subsidiary proprietor, the certificate shall be conclusive evidence of the matters certified.

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

Acquisition of additional land and grant and acceptance of easements

31.—(1) The management corporation, if authorized by unanimous resolution, may—

(a) acquire land outside the lot to be used for purposes connected with the building; or

(b) grant or accept the burden of an easement imposed on the lot for the benefit of some other land; or

(c) accept the benefit of an easement imposed in favour of the lot on some other land.

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

Provided that land so acquired shall be held under a separate document of title and shall not be amalgamated with the lot.

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

(a) the instrument shall be valid and effective without execution by any subsidiary proprietor or other person or body having an interest in the land;

(b) the receipt of the management corporation for any moneys payable to the corporation under the instrument shall be a good and sufficient discharge and shall exonerate the person or body paying the moneys from responsibility for the application thereof;

(c) when the instrument is lodged for registration, it shall be endorsed with or accompanied by a certificate under the seal of the management corporation that—

(i) the resolution directing the transaction to which the instrument relates was duly passed; and

(ii) the transaction conforms to the terms of the resolution; and

(d) a certificate given under paragraph (c) shall in favour of the Registrar or a party to the transaction other than the management corporation be conclusive evidence of the facts certified.

Pre-existing charges

32.—(1) Where a subdivided building is subject to a charge which existed before the subdivision, the chargee shall have the same rights and remedies as he would have had if the subdivision had not taken place:

Provided that documents to be served or legal proceedings to be taken in connection with the charge shall be served or taken, as the case may be, on or against the management corporation in place of the chargor.

(2) Nothing in subsection (1) shall prevent the chargee from making alternative arrangements in respect of the charge by agreement with the original proprietor, the management corporation or any of the subsidiary proprietors.

Ratings

33.—(1) The management corporation shall—

(a) within one month after its establishment, or within such further period as the rating authority may allow, supply the rating authority with two copies of the certified plan of the building and with the names and addresses of the council of the corporation; and

(b) keep the authority informed of any changes in the plan, names and addresses supplied under paragraph (a).

(2) Where a rate is levied on the common property, the management corporation shall be liable to pay the rate.

(3) Where a rate is levied on a parcel—

(a) the management corporation shall be liable to pay the rate and may recover the sum paid from the subsidiary proprietor; and

(b) if the management corporation makes default in paying the rate, the rating authority (without prejudice to its rights against the management corporation or to the exercise of any remedy which may be available under other written law)—

(i) may serve upon the subsidiary proprietor a copy of the notice of assessment together with a notice requiring him to pay the rate; and

(ii) if he fails to pay the amount due, may recover it from him.

(4) In this section, “the rating authority” means, in relation to a subdivided building, any authority authorized by law to levy rates on the building.

Service of documents

34.—(1) The management corporation shall cause to be conveniently available at or near the front of the building a receptacle suitable for the purposes of postal delivery, with the name of the management corporation clearly designated thereon.

(2) Without prejudice to any other method of service, a document may be served on the management corporation by placing it in the receptacle mentioned in subsection (1) or by sending it by post enclosed in a prepaid letter addressed to the management corporation at the address shown in the book of the subsidiary register relating to the building.

Power of Court where building damaged

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

(2) In the exercise of its powers under subsection (1), 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 subsidiary proprietors or by some one or more of them;

(c) directing such amendment or replacement of the certified plan and such consequential amendment or replacement of the subsidiary register as the Court thinks fit; or

(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.

Termination of subdivision

36.—(1) The management corporation, where—

(a) the building is totally destroyed; or

(b) the subsidiary 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 subsidiary proprietor,

may be directed by unanimous resolution to take action to terminate the subdivision of the building; and, subject to any order of the Court made under subsection (7), the management corporation if so directed shall lodge with the Registrar a notification in Form 6 in the First Schedule, together with the issue documents of title of the lot and the parcels.

(2) On receipt of a notification under subsection (1), the Registrar shall make a memorial of the notification in the Register and the subsidiary register, and shall inform the Superintendent 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 subsidiary proprietors shall cease to be the proprietors of the parcels; 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 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 management 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 to the share units which they held immediately before the termination of the subdivision.

(5) Notwithstanding the termination of a subdivision under this section, the relevant book of the subsidiary 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 subsection (4)(d)—

(a) the management corporation shall continue in existence for so long as 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 subsidiary register.

(7) The Court, if it is satisfied that the justice of the case so requires—

(a) may on the application of the management corporation, a subsidiary 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 an 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 subsection (4)(d), may, on the application of the management corporation, a former proprietor or a former chargee, make an order for the winding up of the management corporation's affairs.

(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 subsidiary proprietor of a parcel in the building.

Chapter 3—Rights and Obligations attaching to Individual Parcels

Rights of subsidiary proprietor in his parcel and in common property

37.—(1) Subject to the provisions of this Ordinance, a subsidiary proprietor shall have—

(a) in relation to his parcel, the powers conferred by the Land Code [*Cap. 81 (1958 Ed.)*] on a proprietor in relation to his land; and

(b) in relation to the common property, the right of user which he would have had if he and the other subsidiary proprietors were co-proprietors thereof.

(2) No rights in the common property shall be disposed of by a subsidiary proprietor except as appurtenant to a parcel; and any disposition of a parcel by a subsidiary proprietor shall without express reference include a like disposition of the rights in the common property which are appurtenant to the parcel.

(3) The provisions of the Fourth Schedule shall have effect in relation to the division and amalgamation of parcels.

Rights of support, service and shelter

38.—(1) In favour of and against each subsidiary proprietor there shall be implied a right of support and a right of service.

(2) Each subsidiary 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 subsidiary 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.

Restriction on voting rights

39.—(1) Where a subsidiary 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 authorized by law to control that property.

(2) Where a subsidiary proprietor’s interest is subject to a registered charge, the powers of voting conferred on him by the Second Schedule shall, unless it is otherwise agreed between him and the chargee first entitled in priority, be exercisable by that chargee (either personally or by proxy).

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

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

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

(b) may, in any other case,

appoint the Amanah Raya Berhad, a corporation incorporated under the Public Trust Corporation Act 1995 [*Act 532*] or some other fit and proper person or body to exercise such of the powers of voting attached to the parcel by the Second Schedule as the Court may determine.

Legal proceedings

41.—(1) Applications to the Court under this Part shall be by originating summons, and the Rules of High Court 1980 [*P.U. (A) 50/80*] relating to proceedings begun by originating summons shall apply to such applications.

(2) Where this Part provides for any sum to be recoverable by any person or authority from any other person or authority, the sum shall be recoverable by an action for debt in any court of competent jurisdiction.

PART VI

MISCELLANEOUS

Penalties

42. Any person who—

(a) knowingly makes any false statement, orally or in writing, in connection with any matter arising under this Ordinance;

(b) fraudulently alters, adds to, erases, defaces or destroys any document of title or other instrument issued under this Ordinance, or any memorial or other entry on any such document or instrument;

(c) fraudulently procures—

(i) the making of any memorial or other entry on any document of title or other instrument issued under this Ordinance; or

(ii) the cancellation or amendment of any such document or instrument, or of any memorial or other entry thereon; or

(d) suppresses or conceals from the Superintendent, or assists or joins in so doing, any material document, fact or matter,

shall be guilty of an offence: Penalty, imprisonment for one year and a fine of two thousand ringgit.

Subsidiary legislation

43.—(1) The Yang di-Pertua Negeri may—

(a) make rules generally for carrying out the provisions of this Ordinance and, in particular, such rules may provide for—

(i) amending the Forms in the First Schedule and prescribing new Forms in respect of any matter to be done under this Ordinance; or

(ii) amending the Second and Fourth Schedules and prescribing all matters relating to the establishment of management corporations and regulating the division and amalgamation of parcels; or

(iii) prescribing anything that may be, or is required to be, prescribed under this Ordinance;

(b) make bylaws for the regulation of subdivided buildings and to amend the Third Schedule; and

(c) make rules relating to the management of a subdivided building by a local authority appointed under section 27A, and such rules may confer upon a local authority powers to levy special fees, rates or charges on the subsidiary proprietors thereof or any other persons occupying or residing in any parcel within the subdivided building.

[Ins. Cap. A79.]

(2) The Rules in the Second and Fourth Schedules and the Bylaws in the Third Schedule shall, for all purposes including subsequent amendment thereof, be deemed to have been made under this section.

Repeal and Saving

44.—(1) The Strata Titles Ordinance, 1974 [*Ord. No. 3/74*], is repealed.

(2) Nothing in subsection (1) shall affect the validity of anything lawfully done under and in accordance with the provisions of the repealed Ordinance.

(3) Any application for subdivision of a building submitted by any person under the repealed Ordinance and pending immediately before the date of commencement of this Ordinance shall be deemed to have been made under this Ordinance:

Provided that for the purpose of considering any such application, the conditions of approval relating thereto in the repealed Ordinance prior to the date of its repeal by this Ordinance shall apply.

FIRST SCHEDULE

FORMS

(Section 43)

FORM 1

(Sections 9(1) and 13(1))

APPLICATION FOR SUBDIVISION OF A BUILDING

To the Superintendent of Lands and Surveys, Division.

I, of
.....
proprietor of the following land—

(Description) Area
hereby apply to the State Planning Authority for approval of the subdivision of the
main building erected thereon, *together with the other building/s
thereon to be used in conjunction with that building, as shown in the Index Plan
attached.

[Am. Cap. A79.]

2. The intended subdivision is to be into parcels,
as specified in the appended schedule, according to the boundaries which, in relation
to each storey, are shown in the
*
..... Storey Plan/s attached.

3. As required by section 9 of the Strata Titles Ordinance, 1995 *[Cap. 18]*, I now submit—

- (a) the prescribed fee of RM
- (b) the index plan referred to above;
- (c) the * storey plan/s referred to above;
- (d) two additional copies of the index plan and of each of the storey plans;
- *(e) a letter of consent from each of the following
persons (being persons whose consent in writing is required for
the particular reason specified in each such letter) †—
 - (1)
 - (2)
 - (3)
- (f) *the issue document of title to the lot.

Dated this day of, 20.....

.....
Signature of Proprietor

For Official Use Only

To Registrar,

- (1) Subdivision as above approved by the State Planning Authority.

[Am. Cap. A79.]

- (2) Rent for current year paid.

Superintendent of Lands and Surveys,
..... Division

(To be appended in as many sheets as are necessary)

SCHEDULE OF PARCELS

List of Storeys and of Parcels in each	Share Units of each Parcel	List of Storeys and of Parcels in each	Share Units of each Parcel
Main Building		(Continued from first column)	Total brought forward
‡Storey No.....		Storey No.....	
Parcel		Parcel	
Parcel		Parcel	
Parcel		Parcel	
<i>etc., etc.</i>		<i>etc., etc.</i>	
	Total		Total

**Delete as appropriate.*†EXPLANATORY NOTE — The consent in writing is required of every person
or body entitled to the benefit of—

- (i) a sublease of the whole or any part of the land other than a part
corresponding precisely to, or included wholly within, one of the
intended parcels;
- (ii) a charge of the land, or of a sublease as specified in (i).

‡Similar entries to be made in respect of subsidiary buildings (if any).

FORM 2
(Section 14(2) (a))
SARAWAK

SUBSIDIARY REGISTER INDEX

BOOK FOR TITLE NO.

(Description of Land) Area

Name of Management Corporation

Address for Service of Documents

SUMMARY OF CONTENTS

Building	Purpose	No. of Parcels	Share Units
Main			
Subsidiary—			
(1)			
(2)			
(3)			
<i>etc., etc.</i>			
			Total

Total number of folios in Certified Plan

DETAILED INDEX

Page No. of Title for Parcel	List of Storeys and Parcels in each	Share Units of each Parcel	Remarks
	*Main Building Storey No..... (Plan Folio.....) Parcel Parcel <i>etc., etc.</i>		
			Total

(Continuation sheets to be added as required)

**Similar entries to be made in respect of subsidiary buildings.*

FORM 3

(Section 14(2)(b))

SUBSIDIARY REGISTER STATEMENT

BOOK FOR TITLE NO.

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 from this day held by title subsidiary thereto, not being matters capable of affecting one only of these parcels.

Dated this day of, 20.....

.....
Registrar

SCHEDULE

FORM 4

(Section 15(2)(a))

SUBSIDIARY TITLE

Registered No. * /
/ Parcel No. within Storey No.
..... as shown for the purposes of identification
in the appropriate Storey Plan herewith.

**Prefix "Grant" or "State Lease" as the case may be.*

The parcel specified above, being within a building on the land scheduled below, is held for the full term of the title also so scheduled by the proprietor for the time being named in the record of proprietorship herein, subject to the provisions of the Strata Titles Ordinance, 1995 [*Cap. 18*], to the provisions of the bylaws relating to the said building and more particularly to the memorials, endorsements and other entries specified below.

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 the Schedule, in relation to the total share units of all subdivided buildings on the land.

Dated this day of, 20.....

L.S.

.....
Registrar

SCHEDULE

.....
(Description of Land)

Title: Lease for the term of years
terminating No.

Share units of the parcel:

Total share units of all subdivided buildings on the land

MEMORIALS, ENDORSEMENTS AND OTHER ENTRIES*

Part I — The matters specified in Statement; Form 3

Part II — The following matters affecting this parcel only—

**Delete if not applicable. If none, insert "Nil".*

Heading to be printed on all subsequent leaves of this Form.

RECORD OF PROPRIETORSHIP, OF DEALINGS AND OF OTHER
MATTERS AFFECTING TITLE.

FORM 5

(Section 17(2))

**APPLICATION FOR THE ISSUE OF SEPARATE
SUBSIDIARY TITLES UPON COMPLETION OF BUILDING
IN RESPECT OF A PROVISIONAL SUBSIDIARY TITLE**

TO: The Superintendent
..... Division

I
of
proprietor of provisional subsidiary title *..... on
the land scheduled below, hereby apply for the approval of the Authority for the
issue of separate subsidiary titles to the parcels in
the completed building.

[Am. Cap. A79.]

**Insert description and No. of title.*

2. As required by section 17 of the Strata Titles Ordinance, 1995 [Cap. 18], I now submit—

- (a) the prescribed fee of RM;
- (b) a certificate of a land surveyor that the provisional block has been completed in accordance with the approved building plan;
- (c) a certificate issued under the Buildings Ordinance, 1994 [Cap. 18], that the building is fit for occupation or use;
- (d) the *storey plan/s of the completed building duly certified by a land surveyor, together with two additional copies thereof;
- (e) a statement showing the share units of the new parcels;
- (f) the issue document of provisional subsidiary title.

Dated this day of 20.....

.....
Signature of Proprietor

FORM 6

(Section 36(1))

**NOTIFICATION OF INTENDED TERMINATION OF
SUBDIVISION OF SUBDIVIDED BUILDING**

TO: The Registrar
Land and Survey Department,
..... Division.

Take notice that

.....
being the management corporation of a subdivided building standing on the following land:

..... Area
(Description of Land)

.....
has been directed by unanimous resolution to take action to terminate the subdivision.

2. As required by section 36 (1) of the Strata Titles Ordinance, 1995 [*Cap. 18*], this Notification is accompanied by the issue documents of title of the above-mentioned land and the parcels comprised therein.

The Common Seal of the Corporation was affixed hereto on the day of, 20....., in the presence of—

L.S.

.....
.....
Members of the Council

SECOND SCHEDULE

(Sections 23, 39, 40 and 43)

RULES OF THE MANAGEMENT CORPORATION

Interpretation

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

“the corporation” means the management corporation in question;

“the council” means the council of the corporation;

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

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

Composition of council, election of members and tenure of office

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

(2) Where—

(a) the first annual general meeting has not yet been held; or

(b) there are not more than three proprietors,

the council shall consist of all the proprietors.

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

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

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

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

Meetings of council

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

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

Procedure at meetings of council

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

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

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

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

Delegation of council's powers and duties

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

- (a) delegate to any one or more of its members the exercise of any of its powers or the performance of any of its duties; and
- (b) revoke the delegation at any time.

Council's power to employ agents and servants

6. The council may employ for and on behalf of the corporation such agents and servants as it thinks fit in connection with the exercise of the powers and the performance of the duties of the corporation.

Minutes and accounts

7.—(1) The council shall keep minutes of its proceedings and shall cause minutes to be kept of general meetings.

(2) The council shall—

- (a) cause proper books of account to be kept in respect of all sums of money received and expended by it specifying the matters in relation to which the receipts and expenditure take place; and

(b) on the application of a proprietor or chargee of a parcel (or any person authorized in writing by him) make the books of account available for inspection at all reasonable times.

(3) The council shall prepare for each annual general meeting proper accounts relating to all moneys of the corporation and the corporation's income and expenditure.

Annual general meetings

8.—(1) The corporation shall hold an annual general meeting for the consideration of accounts, the election of the council and the transaction of such other business as may arise.

(2) The first annual general meeting shall be held within three months after the establishment of the corporation and subsequent annual general meetings shall be held once in each year:

Provided that not more than fifteen months shall elapse between the date of one annual general meeting and the next.

Extraordinary general meetings

9.—(1) A general meeting other than the annual general meeting shall be known as an extraordinary general meeting.

(2) The council—

(a) shall convene an extraordinary general meeting upon a requisition in writing made by proprietors who are together entitled to at least twenty-five per cent of the share units; and

(b) may convene such a meeting on such other occasions as it thinks fit.

Notice of general meeting

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

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

Quorum at general meeting

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

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

Chairman of general meeting

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

Manner of deciding questions at general meetings

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

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

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

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

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

Proxies

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

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

Voting rights of proprietors

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

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

Voting rights of co-proprietors

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

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

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

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

Common seal

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

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

Special resolution

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

THIRD SCHEDULE

(Sections 29 and 43)

**BYLAWS FOR THE REGULATION OF
SUBDIVIDED BUILDINGS**

Interpretation

1.—(1) In the application of these bylaws to any particular subdivided building—

“the building” means the building in question;

“the corporation” means the management corporation of the building;

“parcel” means a parcel in the building;

“the proprietor” means each and every subsidiary proprietor;

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

(2) Except in bylaw 7, references in these bylaws (however expressed) to a subsidiary proprietor shall, in the case of a parcel occupied by a person who is not the subsidiary proprietor, be construed as references to the occupier.

Access to parcels

2. The proprietor shall permit the corporation and its agents at all reasonable times and on giving reasonable notice (or, in an emergency, without notice) to enter his parcel for the purpose of—

(a) inspecting the parcel;

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

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

(d) executing any work or doing any act reasonably necessary for or in connection with the performance of its duties or the enforcement of these bylaws affecting the building.

Work ordered by public or local authority

3. The proprietor shall forthwith carry out all work ordered in respect of his parcel by a competent public or local authority.

Repair and maintenance of parcel

4. The proprietor shall repair any damage to his parcel and maintain it in a state of good repair:

Provided that this bylaw shall not apply in the case of damage due to reasonable wear and tear or damage caused by fire, storm, tempest or act of God.

Manner of using common property

5. The proprietor shall use and enjoy the common property in such a way as not to interfere unreasonably with the use and enjoyment of the common property by the other subsidiary proprietors or their families or visitors.

Manner of using parcel

6. The proprietor shall not use his parcel in such a way as to cause nuisance or danger to any other subsidiary proprietor or his family.

Notification of intended change of ownership and other dealings

7. The proprietor shall forthwith inform the corporation of—

- (a) any intended change in the proprietorship of his parcel; and
- (b) any other dealing with the parcel of which he is aware.

Management of common property for common benefit

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

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

Maintenance of fixtures and fittings

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

Lawns and gardens

10. Where practicable, the corporation shall establish and maintain suitable lawns and gardens on the common property.

Maintenance of pipes, wires, etc.

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

Production of insurance policies and receipts

12. On the written request of the proprietor or a registered chargee of his parcel, the corporation shall produce to the proprietor or chargee, as the case may be (or to a person authorized in writing by the proprietor or chargee) all policies of insurance effected by the corporation, together with the receipts for the last premiums paid in respect of the policies.

Provisions of amenities or services to particular parcel

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

FOURTH SCHEDULE

(Sections 15(2), 37 and 43)

**RULES OF THE SUBDIVIDED BUILDING: DIVISION AND
AMALGAMATION OF PARCELS**

Interpretation

1. In this Schedule—

“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 under paragraph 5;

“division” means a division of a parcel;

“new”, in relation to a parcel, means resulting or intended to result from a division or an amalgamation;

“storey” has the same meaning as in Part 1.

Power to divide and amalgamate parcels

2.—(1) With the approval of the Authority—

(a) a subsidiary proprietor may divide his parcel into two or more new parcels, each to be held by him under a separate subsidiary title; and

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

(2) For the purposes of this paragraph, 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 a ceiling) with another of them.

[Am. Cap. A79.]

Effect of division or amalgamation

3.—(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:

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 subparagraphs (1) and (2), Part V shall apply in relation to a new parcel in a subdivided building as if the new parcel were one of the parcels which came into existence when the building was subdivided.

Conditions for approval of division or amalgamation

4. The Authority shall not approve a division or amalgamation unless the following conditions are satisfied:

(a) that the division or amalgamation would not contravene any restriction in interest to which any of the affected parcels is subject;

(b) that the 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 every person who, at the time when the approval was applied for, was entitled to the benefit of—

(i) charge of an affected parcel; or

(ii) a sublease 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; or

(iii) a charge of such a sublease,

has consented in writing to the making of the application.

[Am. Cap. A79.]

Application for approval

5.—(1) Any application for the approval of the Authority through the Superintendent to a division or amalgamation shall be made in writing and shall be accompanied by—

(a) such fee as may be prescribed;

(b) a plan sufficient to indicate to the Superintendent all the details of the division or amalgamation, together with such number of copies of the plan as may be prescribed or, in the absence of any such prescription, as the Superintendent may require;

(c) a statement of the number of share units of the new parcel or parcels; and

(d) all such written consents to the making of the application as are required under paragraph 4(d).

[Am. Cap. A79.]

(2) Upon receiving an application, the Superintendent, if satisfied that it is in order, shall transmit the same to the Authority through the Director, and simultaneously forward a copy thereof to the Registrar who shall cause a note of the making of the application to be endorsed on the register document of title to each affected parcel.

[Am. Cap. A79.]

Power of Superintendent in relation to application

6.—(1) On an application being made to him, the Authority—

(a) if it appears to him that the conditions specified in paragraph 4 are satisfied and that—

(i) where an amalgamation is proposed, the new parcel will have adequate internal means of communication not passing through the common property;

(ii) where a division is proposed, each new parcel will have adequate means of access not passing through another parcel, shall approve the division or amalgamation to which the application relates; and

(b) in any other case, shall reject the application:

Provided that, where the application includes proposals for an amalgamation which involves the creation of a new parcel extending beyond the limits of a storey, the Superintendent shall, notwithstanding anything in this subparagraph, reject the application unless in his opinion the proposals are warranted by the special circumstances of the case.

[Am. Cap. A79.]

(2) Where the Authority approves an application, the Secretary thereof shall notify the Superintendent who will inform the applicant and the Registrar. The Superintendent shall then estimate the fees chargeable in respect of the work to be carried out under paragraphs 7(1) and (2), and call for the payment of that amount by the applicant.

[Sub. Cap. A79.]

(3) Where the Authority rejects an application, the Superintendent, upon being informed of such rejection by the Secretary of the Authority, shall notify the applicant and the Registrar who shall cause to be cancelled the note of the application endorsed on the register document of title under paragraph 5(2).

[Am. Cap. A79.]

Action by Superintendent

7.—(1) Where, after a division or amalgamation in a subdivided building has been approved and the amount demanded under paragraph 6(2) in respect of his fees has been duly paid, the Superintendent shall carry out such survey of the affected parcel or parcels as he considers desirable and shall prepare and file in his office, in place of the certified plan prepared for the building under section 11, a new certified plan which shall incorporate the changes made by the division or amalgamation and shall otherwise be prepared in the same way as the plan prepared under that section.

(2) Section 11(1)(c) and (4) (which provide for the making of copies of a certified plan) shall apply in relation to a certified plan prepared under subparagraph (1) as they apply in relation to a certified plan prepared under that section.

Modification of subsidiary register and issue of fresh documents of title

8.—(1) When the documents mentioned in paragraph 7 have been prepared, the Superintendent shall call upon the application for payment of—

- (a) any amount underpaid; and
- (b) the fees chargeable in connection with the issue documents of title to the new parcels (giving credit for any amount overpaid),

and, as soon as the amounts so demanded have been paid, the Superintendent shall require the Registrar to take action under this paragraph.

(2) On being required by the Superintendent to take action under this paragraph, the Registrar shall—

- (a) replace the copy of the certified plan in the relevant book of the subsidiary register with the copy of the new certified plan prepared under paragraph 7(2) for his retention;
- (b) make such other alterations in the relevant book of the subsidiary register as are necessary to take account of the changes made by the division or amalgamation; and
- (c) issue title to the new parcel or parcels.

LAWS OF SARAWAK

Chapter 18

STRATA TITLES ORDINANCE, 1995

LIST OF AMENDMENTS

Amending law	Short title	In force from
Swk.L.N. 6/96	Date of Commencement of the Ordinance	1.3.1996
Cap. A79	Strata Titles (Amendment) Ordinance, 2000	15.4.2005 [Swk. L.N.20/2005]

