

LAND LAW AND SURVEY REGULATION (SBEU 4313)

WEEK 6 & 7 - STRATA TITLES ACT &
STRATA (SUBSIDIARY TITLES)
ORDINANCE 2019 (CHAPTER 75)

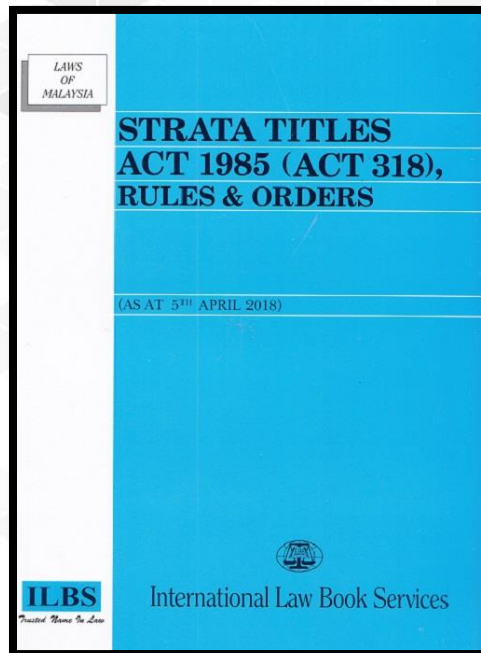
Sr DR. TAN LIAT CHOON

07-5543157

016-4975551

OUTLINE

- Introduction of Strata Title
- Interpretation (S4)
- Changes in Strata Titles (Amendment) Act 2013 [Act A1450]
- Limited Common Property (S17A)
- Land Parcels With Shared Basement
- Strata Titles (Amendment) Act 2016 [Act A1518]



STRATA TITLES ACT 1985 (ACT 318) AS AT 5TH APRIL 2018

INTRODUCTION OF STRATA TITLE

Introduction

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

History

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

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

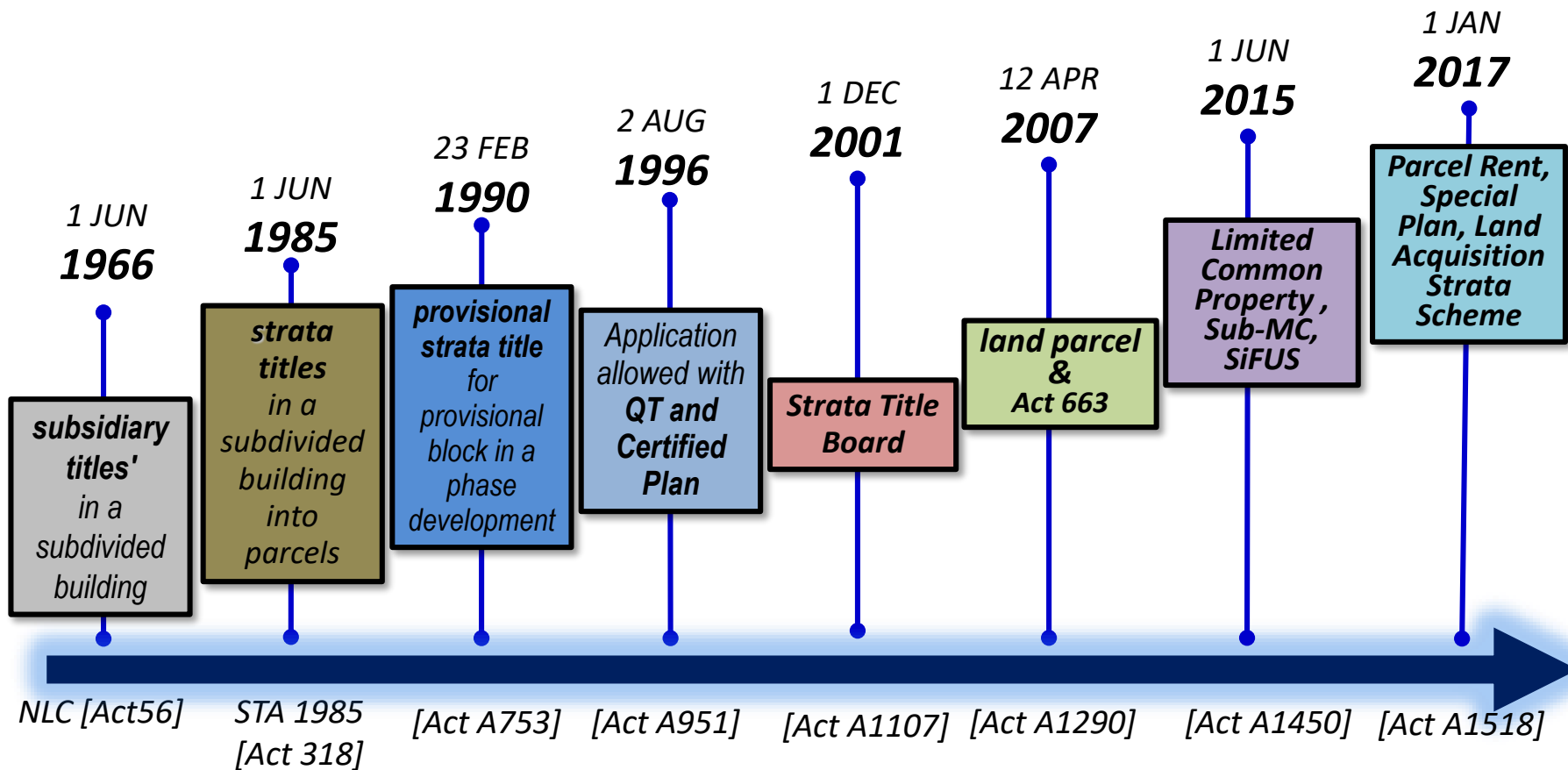
History

❑ The rapid housing development growth in 1970s and 1980s introduced technological advancements in the construction industry and architectural innovations, making the provisions in National Land Code 1965 (Act 56) inadequate.

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1965 (Act 56) were amended several times in 1977 (Act A386), in 1979 (Act A444) and in 1981 (Act A518) before they were repealed in 1985 (Act 318).

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

History



Strata Titles (Amendment) Act 1990 (Act A753)

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

Strata Titles (Amendment) Act 1996 (Act A951)

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

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

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

Strata Titles (Amendment) Act 2001 (Act A1107)

- ❑ The 2001 amendment primarily provided for the establishment of a Strata Titles Board to settle disputes, its jurisdiction as well as matters pertaining to the proceedings and representation before the Board.
- ❑ Provisions were also made to empower the Director of Land and Mines in a State and the Land Administrator in the Federal Territory to appoint a managing agent to exercise the functions of the management corporation in the event that the management corporation did not function properly. For the prosecution of offences under the Strata Titles Act 1985 (Act 318), the written consent of the Public Prosecutor is required.

Strata Titles (Amendment) Act 2007 (Act A1290)

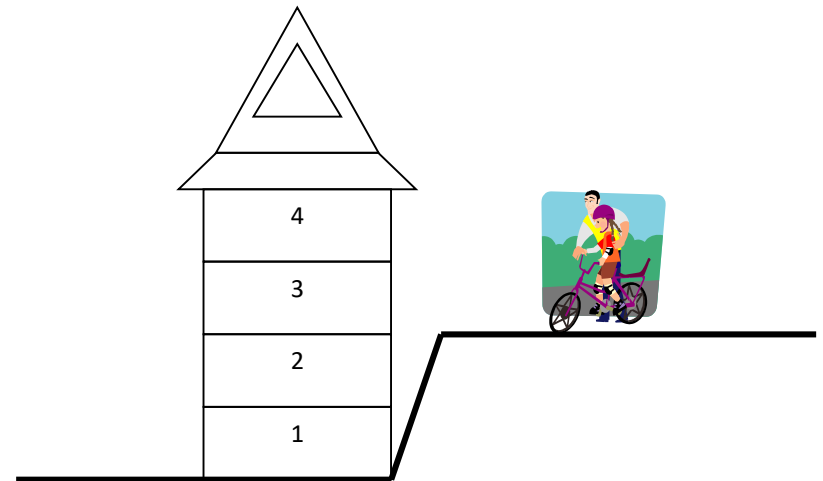
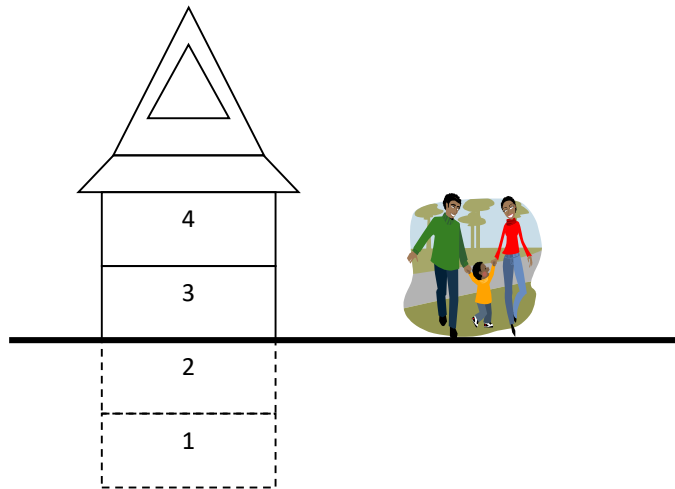
- ❑ The 2007 amendment changed ‘and the Federal Territory of Kuala Lumpur’ to ‘and the Federal Territory of Kuala Lumpur and Federal Territory of Putrajaya’, and inserted after the word ‘building’ the phrase ‘or land’.
- ❑ In this case, any alienated land having two or more buildings held as one lot under the final title shall be capable of being subdivided into land parcels with buildings of not more than four storeys held under the same strata scheme.
- ❑ Provisions have also been made in the operation of the Computerisation System of Strata Titles in any land registry with the insertion of the new Fifth Schedule, which allows making an entry on a Document of Title under the Computerisation System of Strata Titles.

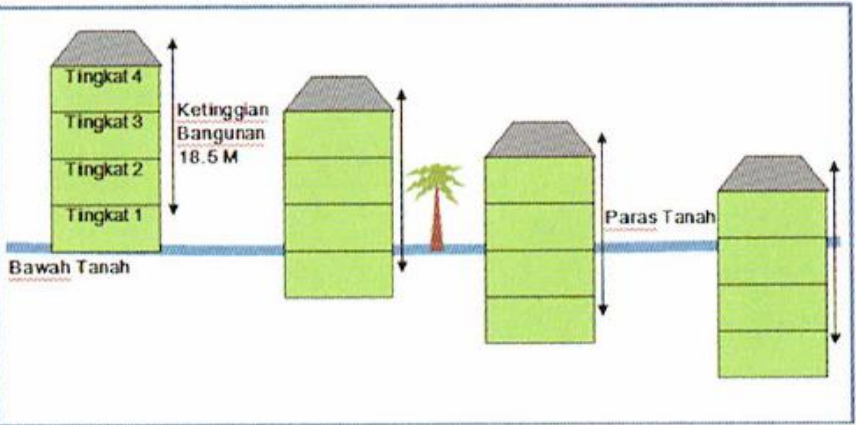
Strata Titles (Amendment) Act 2007 (Act A1290)

- ❑ In the 2007 amendment, there are three types of application to be made in the subdivision of a property, where the application involved (a) building only, (b) buildings and land, or (c) land only.
- ❑ Finally, plans are afoot to enact legislations to overcome the problem of maintaining common areas in high-rise developments before the setting up of the management corporation. This will alleviate the problems of maintenance and provision of services for the residents.
- ❑ The Building and Common Property (Maintenance and Management) Act 2007 (Act 663) came into being, along with the 2007 amendment on 12th April 2007 to provide for the proper maintenance and management of buildings, lands and common properties in a strata scheme.

Definition Of “STOREY” For Land Parcel

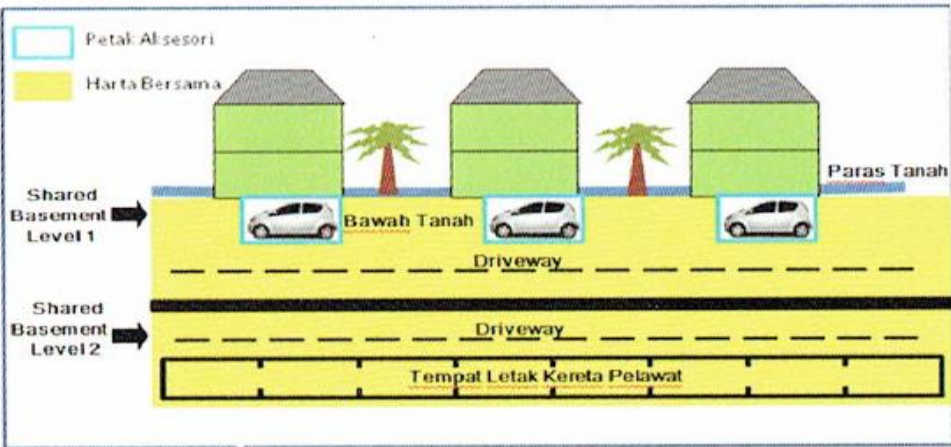
Mean a unit which is comprised there in a subdivided land on which there is a completed building of not more than four storey (excluding shared basement) which is held under a strata title.



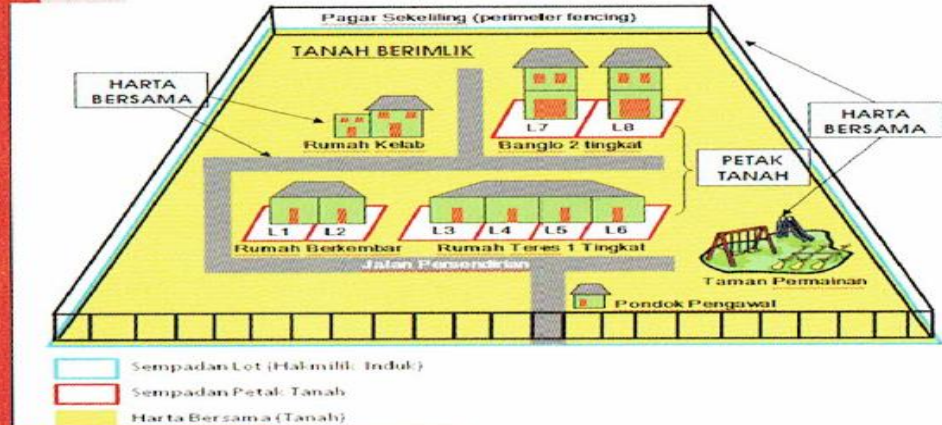


Rajah 1: Bilangan Tingkat Dan Ketinggian Maksimum Bangunan Yang Dibenarkan Bagi Sesuatu Petak Tanah

Rajah 2: Petak Tanah Dengan Tingkat Bawah Tanah Yang Dikongsi (Shared Basement) (Contoh Petak Tanah)

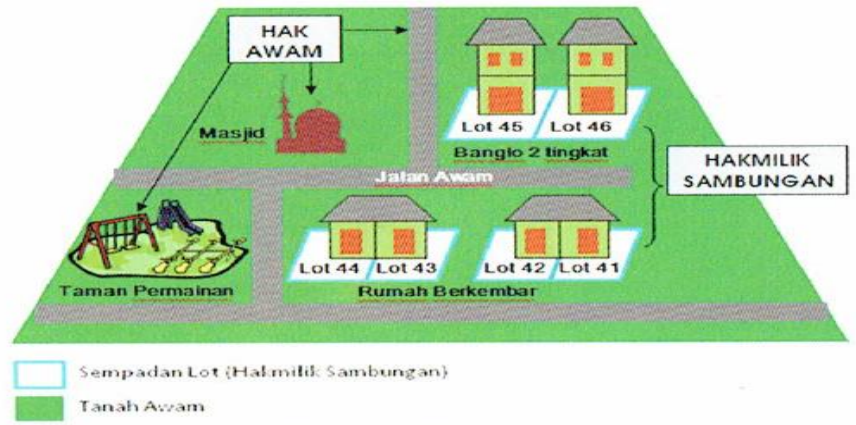


PERBEZAAN ANTARA PECAH BAHAGI TANAH UNTUK PENGELUARAN HAKMILIK STRATA (Landed Property With Strata Title) DENGAN PECAH SEMPADAN TANAH UNTUK PENGELUARAN HAKMILIK BERASINGAN (Landed Property With Individual Title)



Rajah 3: Pecah Bahagi Tanah

- Hakmilik induk (asal) kekal dan hakmilik strata dikeluarkan;
- Bahagian tanah yang tidak termasuk dalam hakmilik menjadi harta bersama; dan
- Mempunyai Perbadanan Pengurusan (MC).

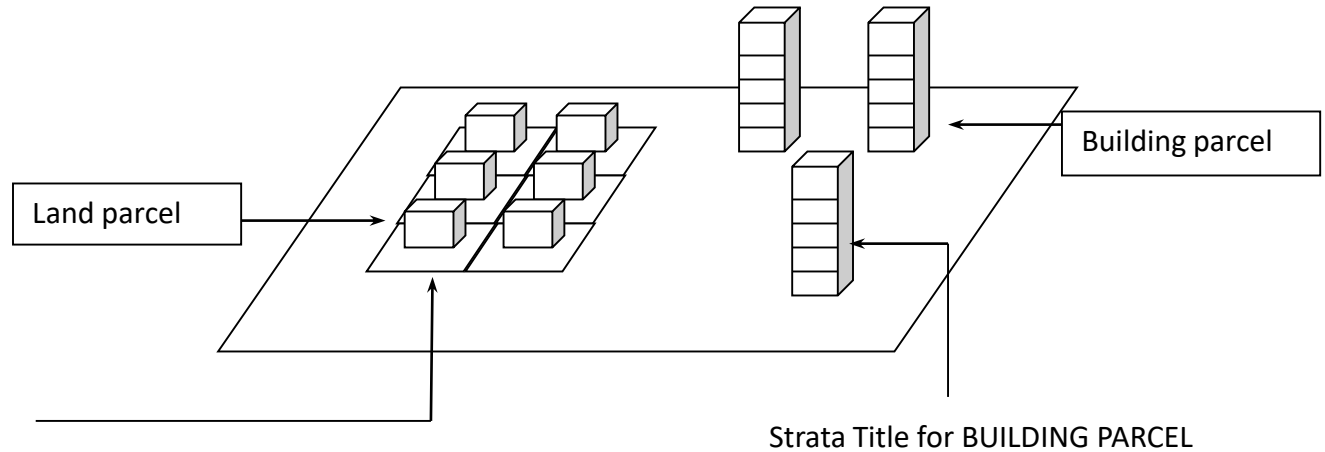


Rajah 4: Pecah Sempadan Tanah

- Hakmilik tanah sambungan yang berasingan dikeluarkan dan hakmilik induk (asal) dibatalkan; dan
- Bahagian tanah yang tidak termasuk dalam hakmilik menjadi hak awam (diserahkan kepada Pihak Berkuasa Negeri).

Definition Of Land Parcel In Section 4 (New Provision) Amended Strata Title Act

Lot 123, Geran 4567 Bandar XYZ

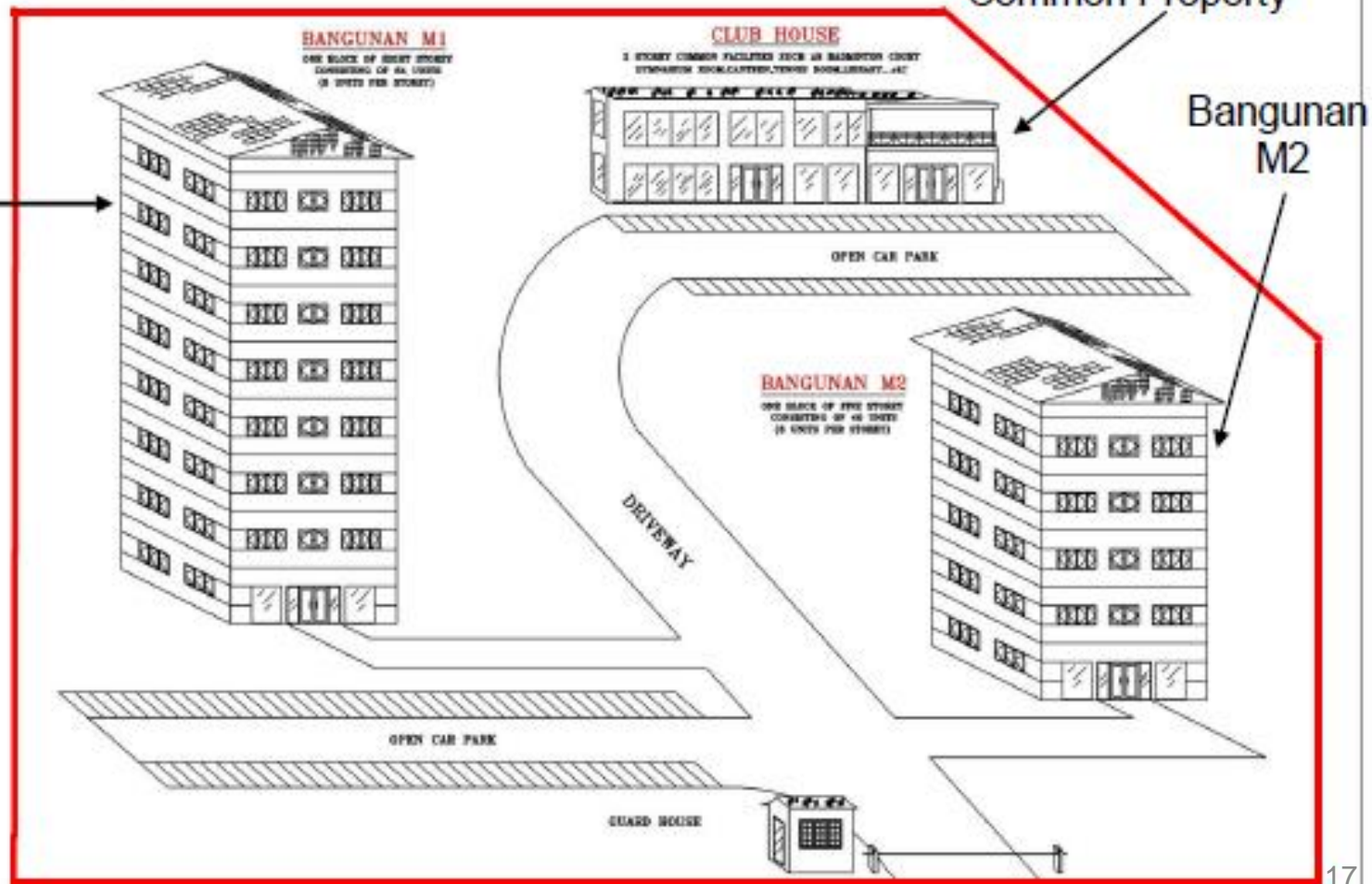


TITLE NO.	BUILD NO.	STOREY NO.	PARCEL NO.
GRN 4567	-	-	L6

TITLE NO.	BUILD NO.	STOREY NO.	PARCEL NO.
GRN 4567	M3	3	18

Scheme A [Section 6(1) – First limb]

SCHEME 1 – 1st Limb
Section 6(1) Strata Title Act 1985



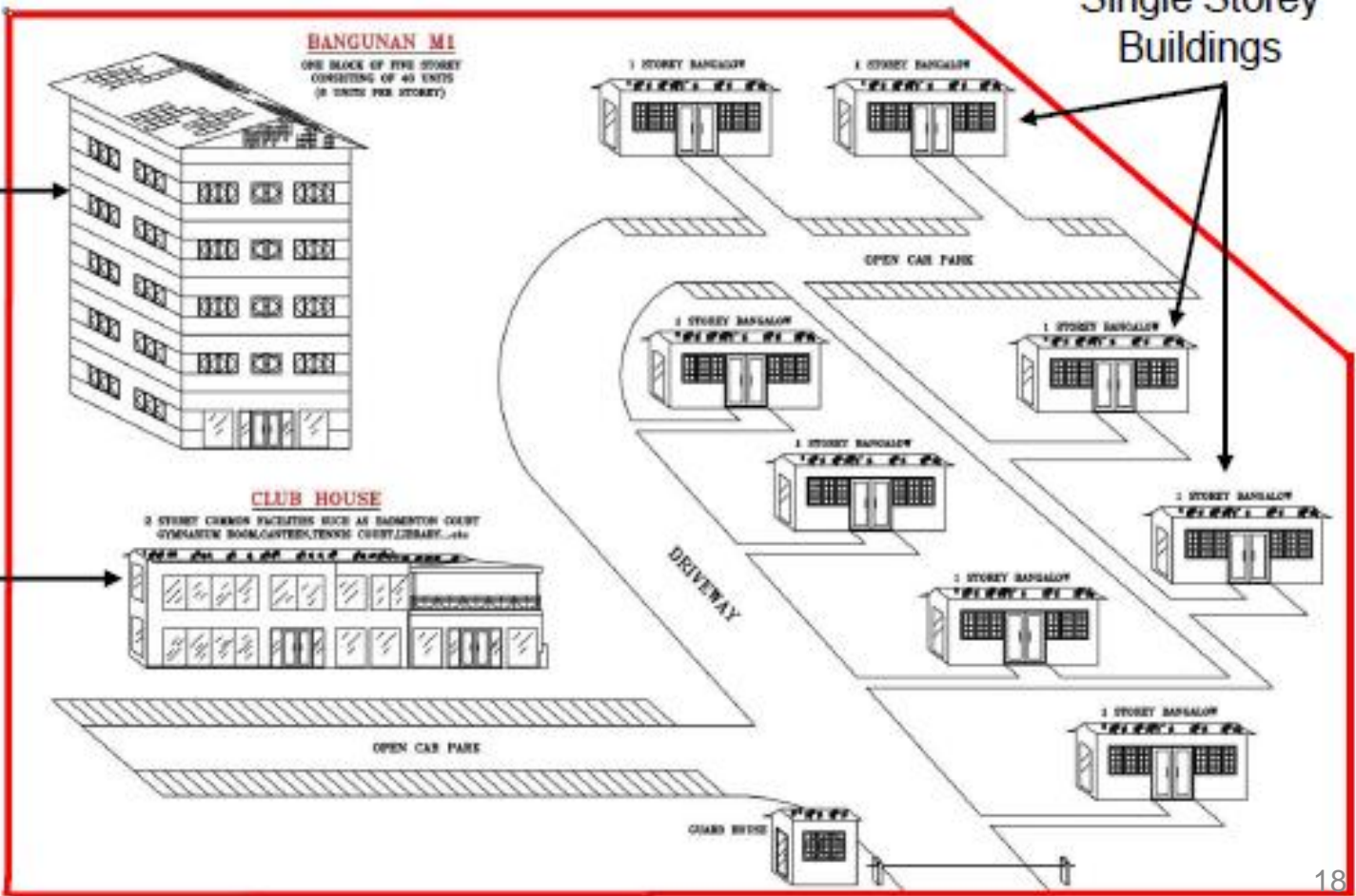
Scheme B [Section 6(1) – Second limb]

Previously

SCHEME 2 – 2nd Limb (Previous)
Section 6(1) Strata Title Act 1985

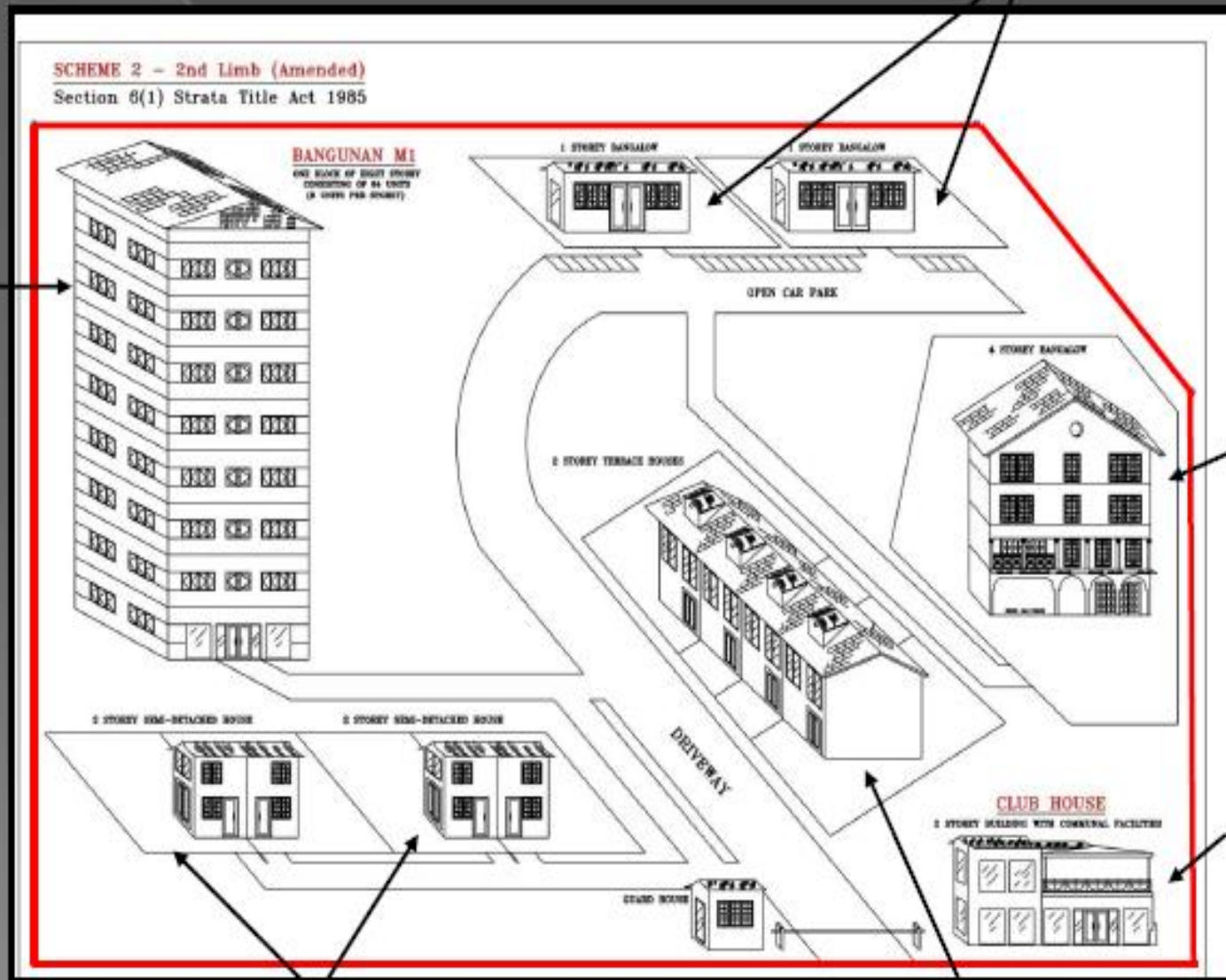
Bangunan M1

Club House on
Common Property



Under the amended section 6(1)

Land Parcel
(1-storey Bungalow)



Bangunan M1

Land Parcel
(4-storey bungalow)

Club House
on
Common
Property

Land Parcel (Semi D)

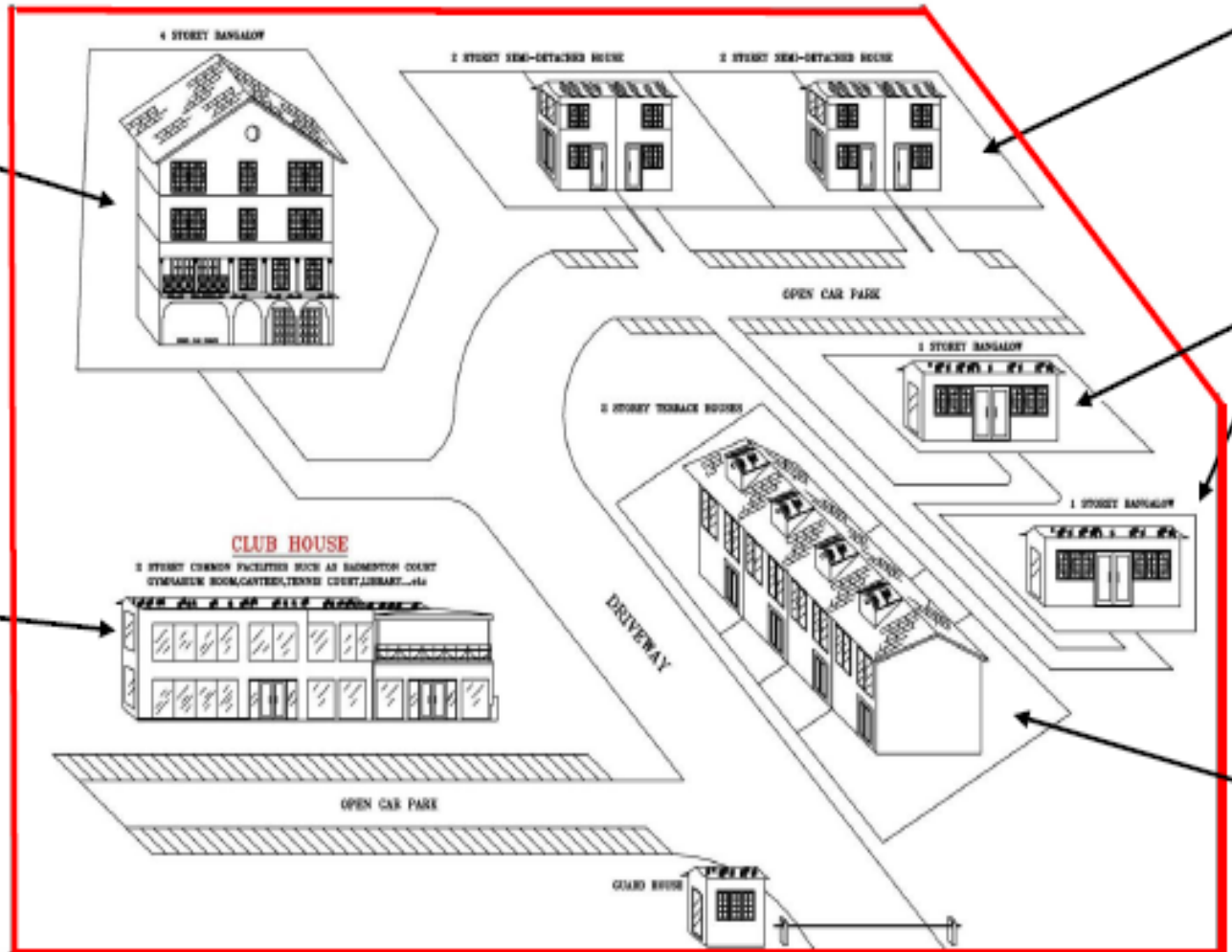
Land Parcel (Terrace)

Scheme C New section 6(1A)

SCHEME 3
Section 6(1A) Strata Title Act 1985

Land Parcel
(4-storey
Bungalow)

Club House
on Common
Property



Land Parcel
(Semi D)

Land Parcel
(1-storey
Bungalow)

Land Parcel
(Terrace)

Strata Titles (Amendment) Act 2013 (Act A1450)

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

Strata Titles (Amendment) Act 2016 (Act A1518)

1 APRIL 2016	28 APRIL 2016	26 MEI & 20 JUN	31 OGOS 2016	9 SEPTEMBER 2016	1 JANUARI 2017
JEMAAH MENTERI	MAJLIS TANAH NEGARA	PARLIMEN	PERKENAN DYMM SPB YDP AGONG	WARTA AKTA PINDAAN	WARTA TARIKH KUATKUASA
Kelulusan Rang Undang-Undang	Kelulusan Rang Undang-Undang	Kelulusan Dewan Rakyat dan Dewan Negara	Kelulusan untukewartakan pindaan AHS 1985	Akta Hakmilik Strata (Pindaan) 2016	YB Menteri NRE
Approval of Bill	Approval of Bill	Approval of Lower House and Upper Of The Parliament	Approval for Gazette of STA 1985 amendment	Gazetted of ST(A) Act 2016	Commence-ment date

Interpretation

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

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

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

Interpretation

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

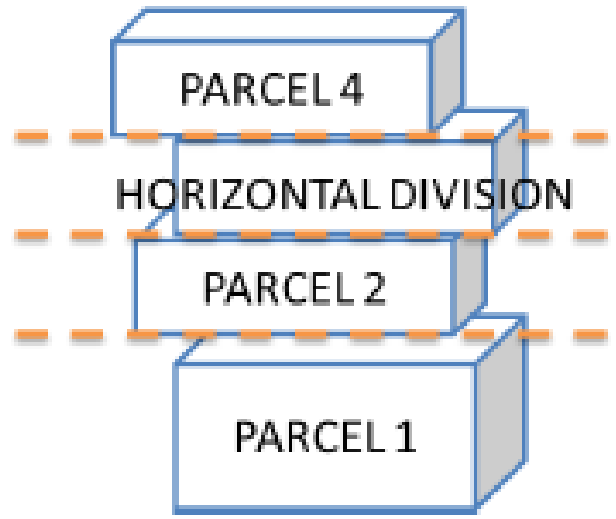
Common Property means property not comprised in any parcel (including any accessory parcel), or any provisional block as shown in a certified strata plan.

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

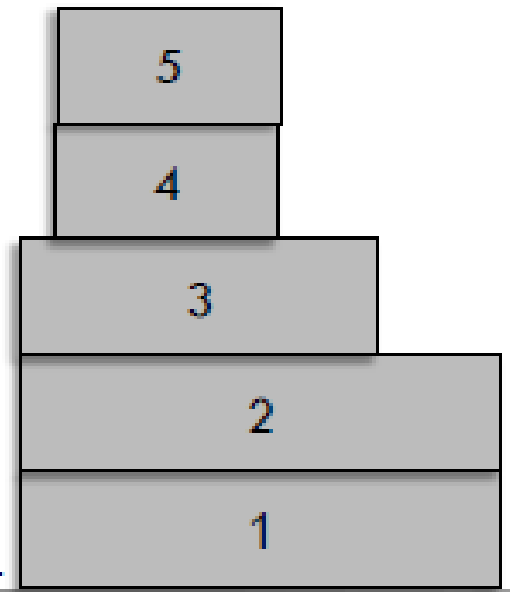
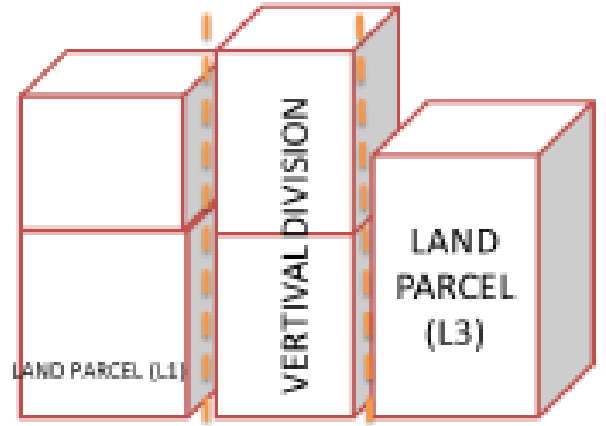
Provisional Block means a block in respect of a building or land proposed to be constructed, for which a separate provisional strata title is applied.

Concept of Subdivision

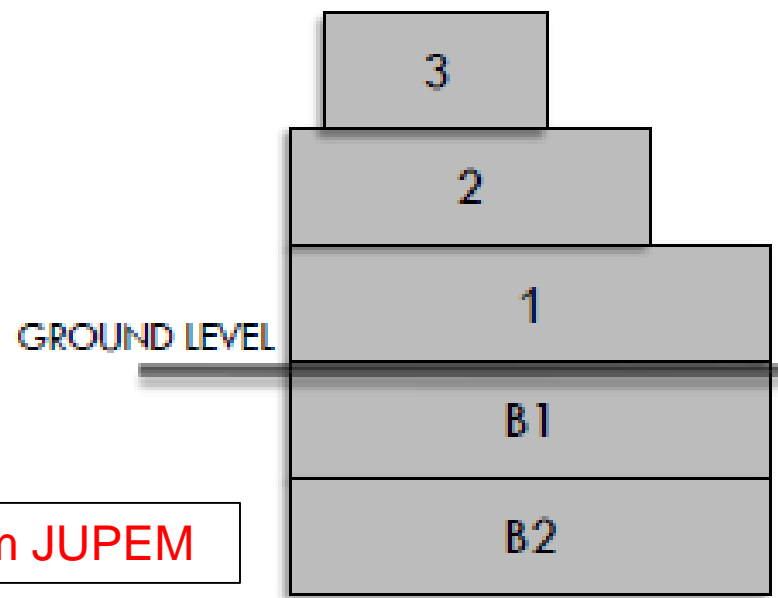
STRATA - PARCEL



LANDED - LAND PARCEL



Sec. 4: Storey means any horizontal division of a building whether or not on the same level throughout and whether above or below the surface of the ground



Source from JUPEM

Section 6
What is capable
of being
subdivided ?

Section 7
Who can
apply for
subdivision?

Section 8
Circumstances
for subdivision

Section 14
Issue of
strata titles

Section 8A
Application
for CPSP

Section 13
Actions after
approval

Section 9
Application
for
subdivision

Section 12
Powers of
Director of
Lands &
Mines

Section 9A
Application for
Subdivision
for Phased
Development

Section 11
Withdrawal of
applications

Section 10
Approval
Conditions

Section 9B
Application for
Subdivision
for Low-Cost
building

Part II
**APPLICATION FOR
SUBDIVISION OF A BUILDING
OR LAND**

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Prepare &
Maintain

Section 16
Documents

Section 19
Provisional
share units of
provisional block

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Effect of
opening book of
strata register

Section 18
Share units of
Parcels

Section 17B
Ownership of
Common
Property

Section 17A
Limited Common
Property &
Subsidiary
Management
Corporation

Section 20A
Application for
CPSP

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

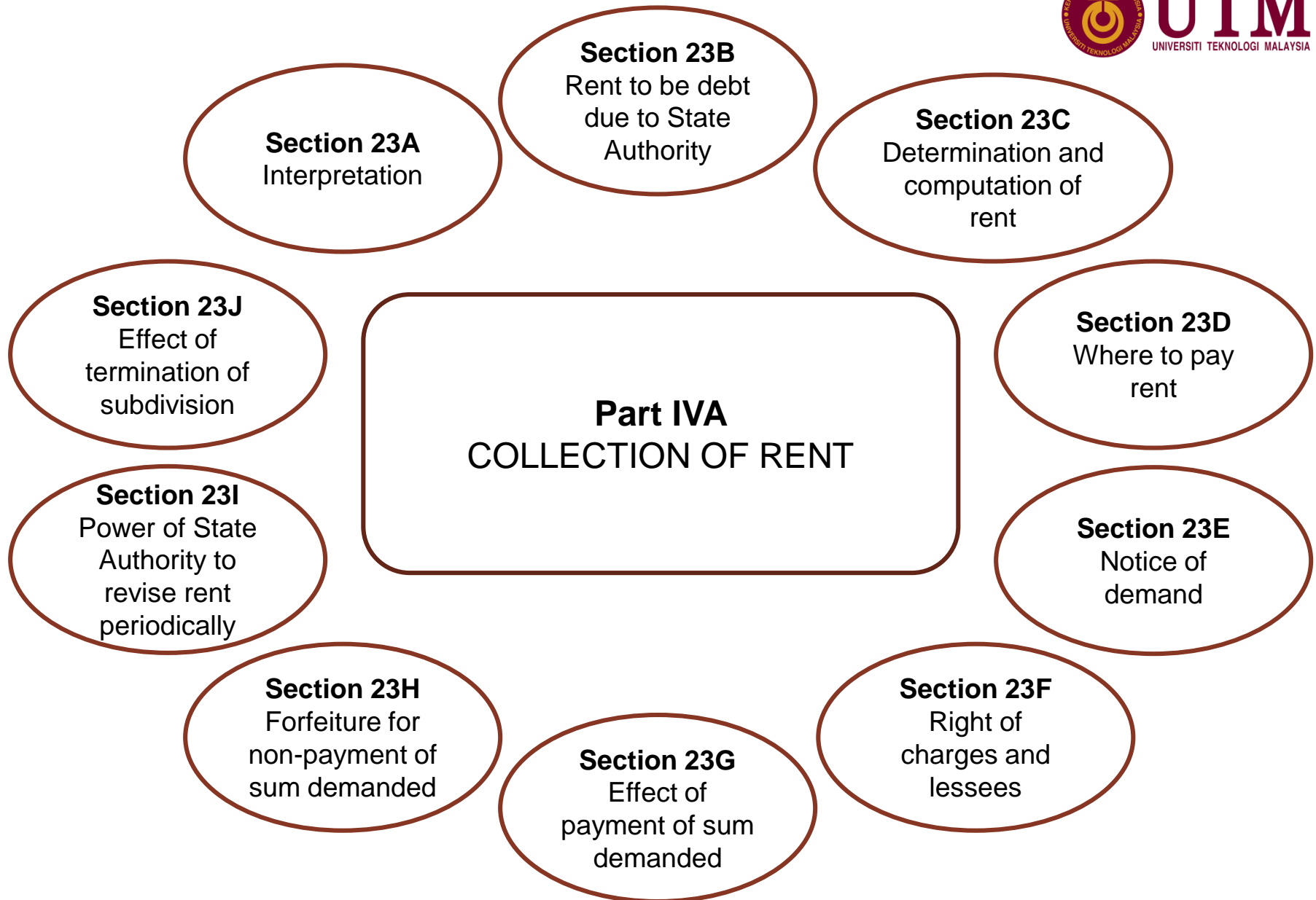
Section 20B
Application for
Subdivision of
building

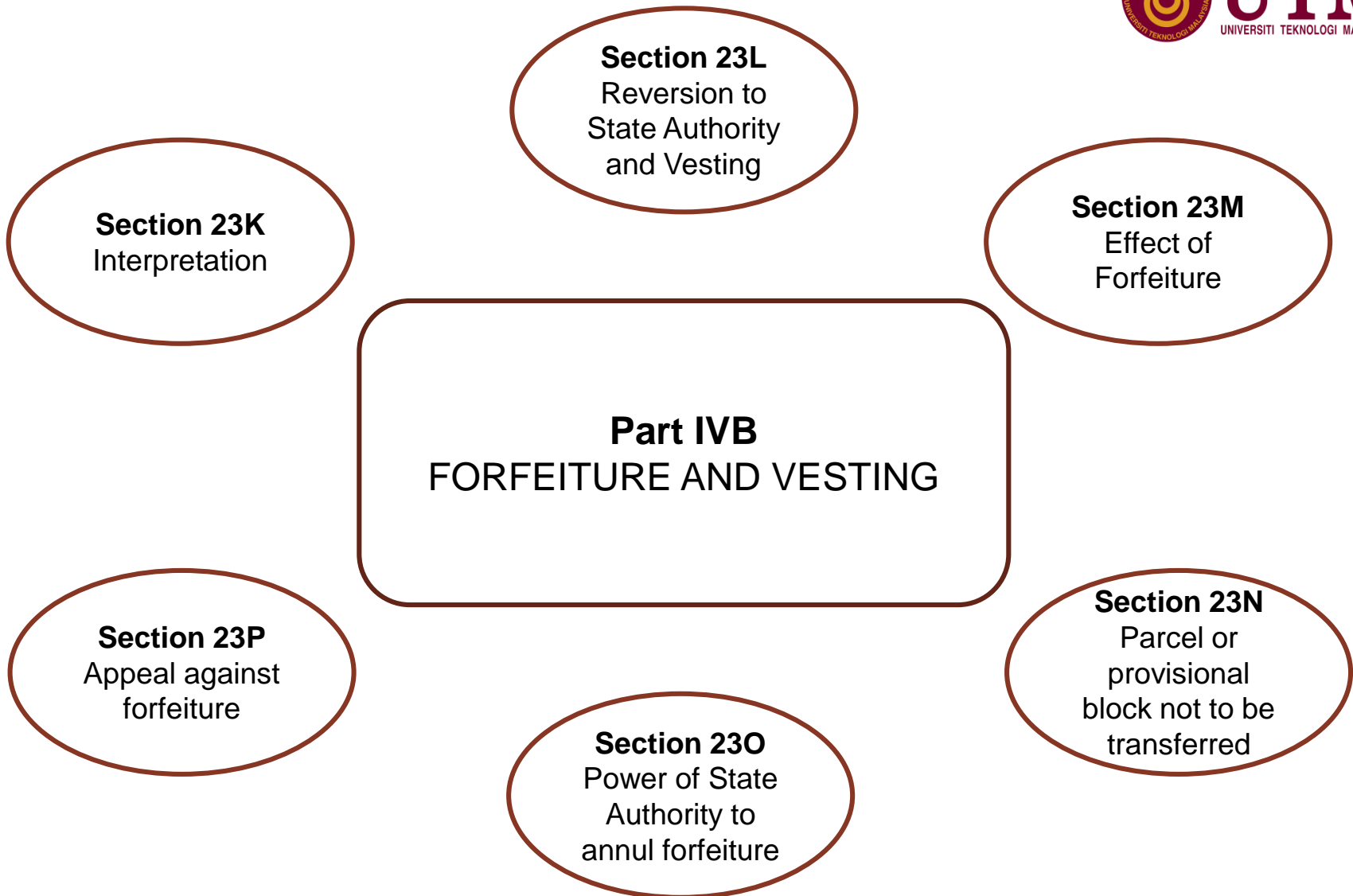
Part IV
Provisional Block : Issuance of
Strata Titles

Section 23
Modification and
cancellation of
Strata Register

Section 22
Action By
Director of
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Section 21
Power Of
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Section 24
Interpretation

Section 25
Power To
Divide And
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Section 26
Effect Of
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Section 33A
Effect Of
Registration

Section 27
Conditions For
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BLOCKS

Section 38
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Court

Section 36
Share Unit
Entitlements

Section 37
Restrictions
on voting
rights

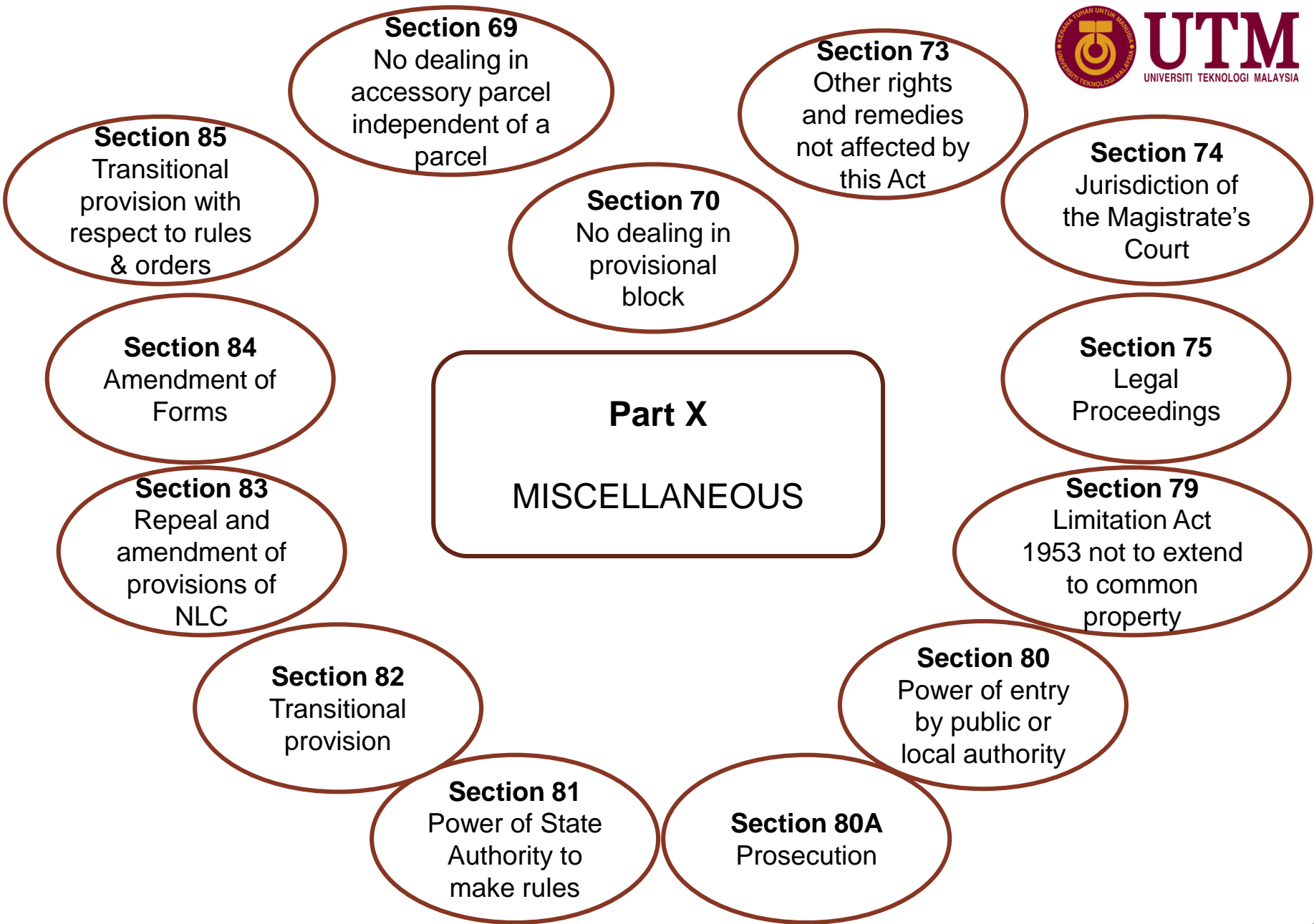
Section 56
Power of
Court

Part VIII
TERMINATION OF SUBDIVISION
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Section 57
Termination of
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Section 57A
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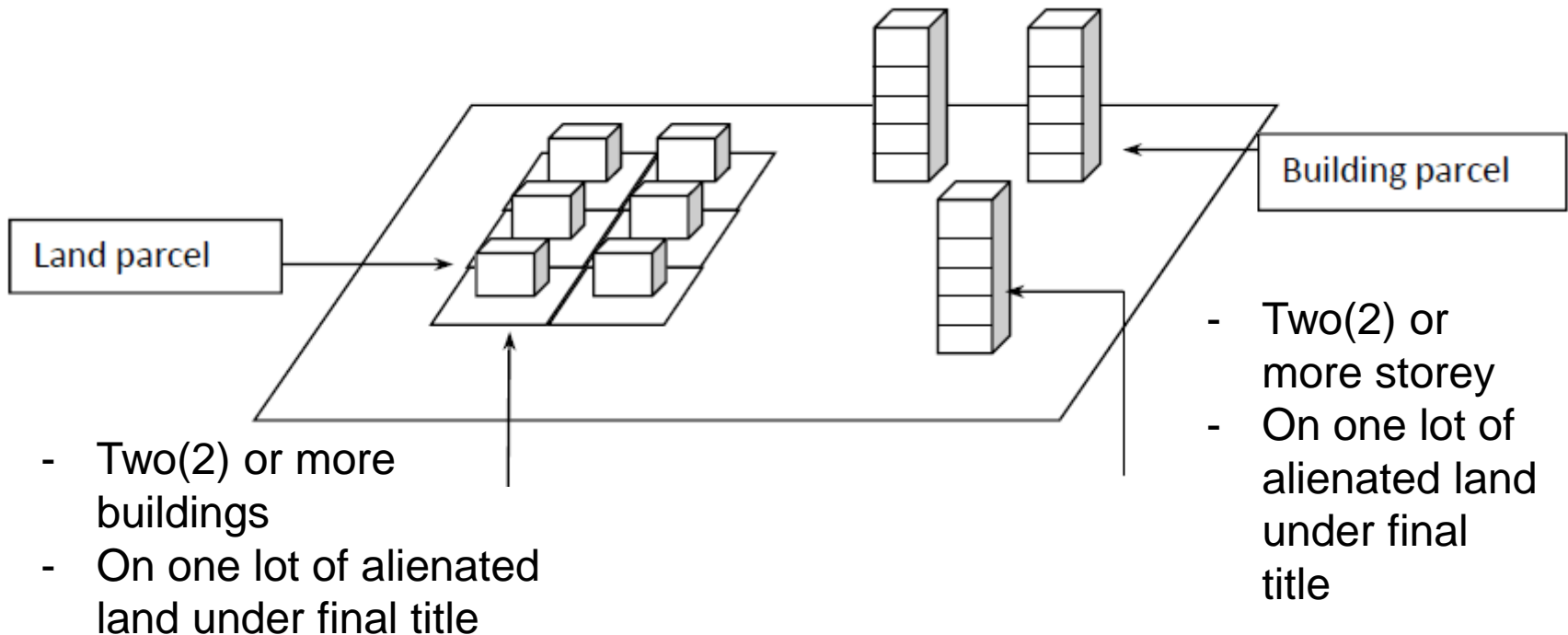
Part VIIIA
EFFECT OF ACQUISITION OF
SUBDIVIDED BUILDING OR
LAND



Section 6

Building or Land Capable of Being Subdivided Into Parcels

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

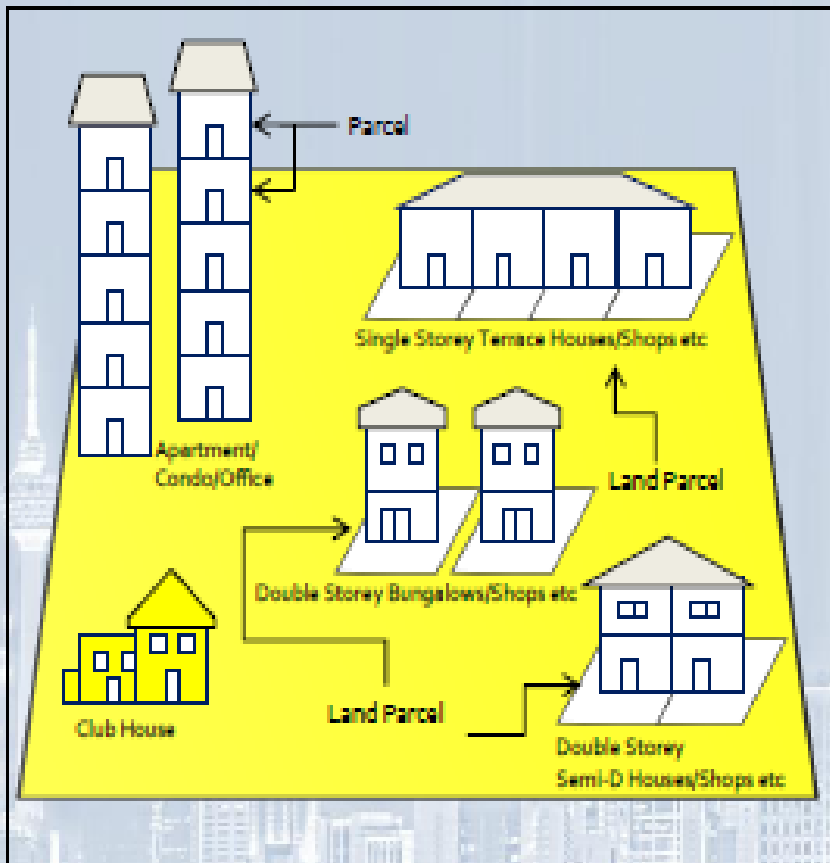


6(2). State Authority may prohibit the subdivision by making rules and publish in the *Gazette*

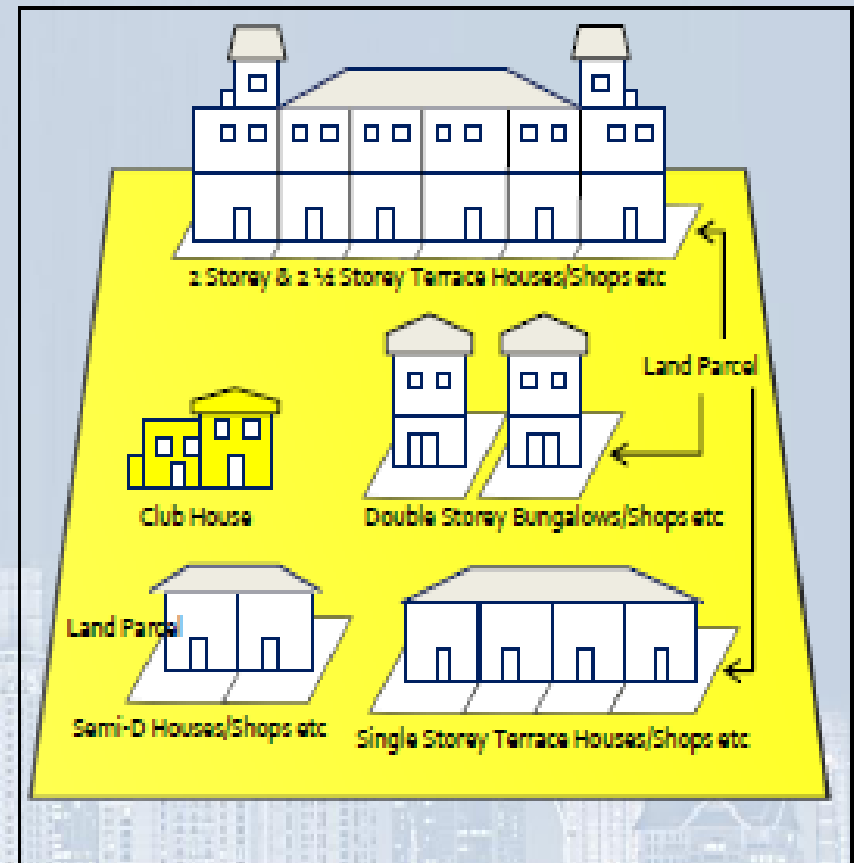
Section 6

Building or Land Capable of Being Subdivided Into Parcels

Sec 6(1) : Parcel and land parcel



Sec 6(1A) : land parcel only



STRATA (SUBSIDIARY TITLES) 2019

(Chapter 75)

(Amendments up to 12th December 2019)

4 (a)(b) What can be subdivided?

(a) any building thereon having two or more storeys shall be capable of being subdivided into building parcels, and any land on the same lot shall also be capable of being subdivided into land parcels; or

(b) any land thereon having two or more buildings shall be capable of being subdivided into land parcels.

Section 7

Original Proprietor May Apply For Subdivision of A Building or Land

7(1) Who can apply for the subdivision

- The Original Proprietor

Section 8

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

8(1) When should apply?

- When there is a building capable of being issued with strata title.
- When the original proprietor has sold or agreed to sell any parcel

STRATA (SUBSIDIARY TITLES) 2019

(Chapter 75)

(Amendments up to 12th December 2019)

4. Who can apply for the subdivision

- The Proprietor of any alienated land held as one lot under document of title may subdivide such lot into parcels, each to be held under a separate subsidiary title, whereby-

(a) any building thereon having two or more storeys shall be capable of being subdivided into building parcels, and any land on the same lot shall also be capable of being subdivided into land parcels; or

(b) any land thereon having two or more buildings shall be capable of being subdivided into land parcels.

STRATA (SUBSIDIARY TITLES) 2019

(Chapter 75)

(Amendments up to 12th December 2019)

5(3) When should apply?

(a) in the case where the **building is completed** or in the course of being **erected before the commencement of this Ordinance**, **three months from the date of commencement of this Ordinance**; or

(b) in the case where the **building is to be erected after the commencement of this Ordinance**, **three months from the date of the approved building plan, or before the sale of any parcel is entered into, whichever is the earlier**:

Provided that upon application in writing by the proprietor within the period specified above, the Director may, subject to such conditions as he may deem fit to impose, **extend the same for a period of not more than three months**.

(4) Where a submission is **not made** within the period specified in subsection (3) or within such extended period as the Director may allow thereunder, the proprietor commits an offence and shall, upon conviction, **be punished with a fine of not exceeding fifty thousand ringgit and to a further fine of one thousand ringgit for each day** the offence continues from the day of such conviction.

8(2) The period for the application

PROVISIONS OF THE ACT	DATE OF COMMENCEMENT OF ACT A1450	WHEN IS APPLICATION COMPULSORY?
S8(2)(a)	SPA Super structure	3 MONTHS FROM THE DATE OF ISSUANCE OF THE DOCUMENT THAT CERTIFIES THE SUPER STRUCTURE STAGE
S8(2)(b)	SPA Building is completed	3 MONTHS FROM THE DATE THE BUILDING IS COMPLETED
S8(2)(c)	Building is completed SPA	3 MONTHS FROM THE DATE THE BUILDING IS COMPLETED OR SPA – WHICHEVER IS THE LATER
S8(2)(d)	Building is completed SPA	3 MONTHS FROM THE DATE OF THE COMMENCEMENT OF THIS ACT
S8(2)(e)	Building is completed SPA	3 MONTHS FROM THE DATE OF SPA

STRATA (SUBSIDIARY TITLES) 2019 (Chapter 75)

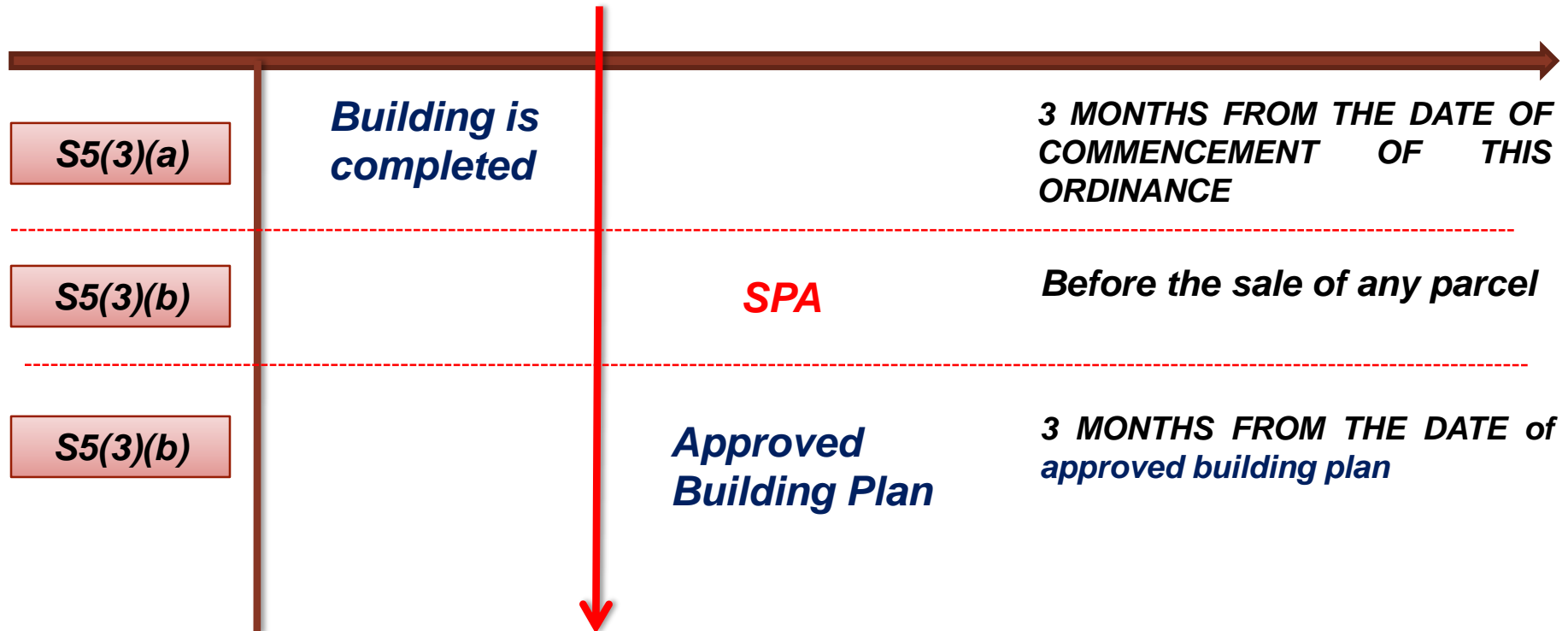
(Amendments up to 12th December 2019)

5(3) The period for the application

**PROVISIONS
OF THE ACT**

DATE OF COMMENCEMENT

**WHEN IS APPLICATION
COMPULSORY?**



8(3) Within one month, the original proprietor with the CPSP issued must apply for subdivision.

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

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

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

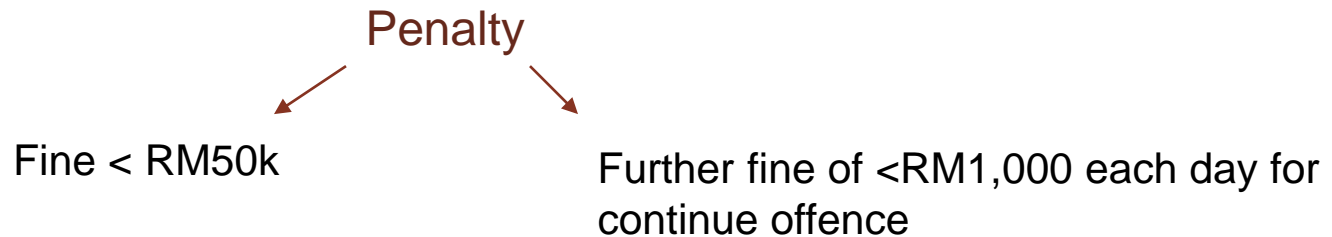
8(7) The original proprietor shall be guilty of an offence if failed to make the application within the time period in 8(2), 8(3), 8(4) and 8(5)

STRATA (SUBSIDIARY TITLES) 2019 (Chapter 75)

(Amendments up to 12th December 2019)

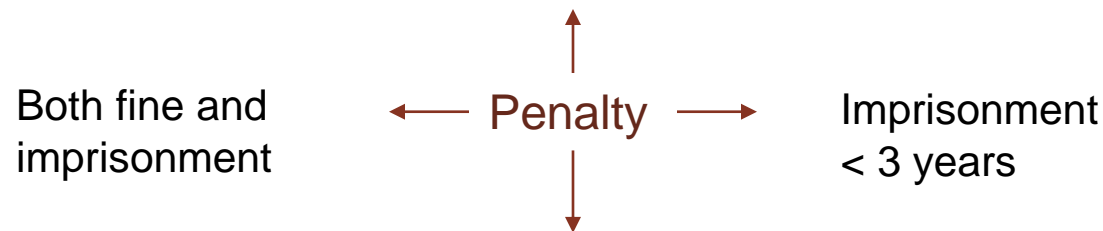
5(3). The minister may extend the period of the compulsory date to apply subsidiary titles by < 3 months

5(3). The original proprietor shall be guilty of an offence if failed to make the application within the time period in 5(3)



8(8). Penalty for offence in 8(7).

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



Further fine of RM100 to RM1000 for continue offence

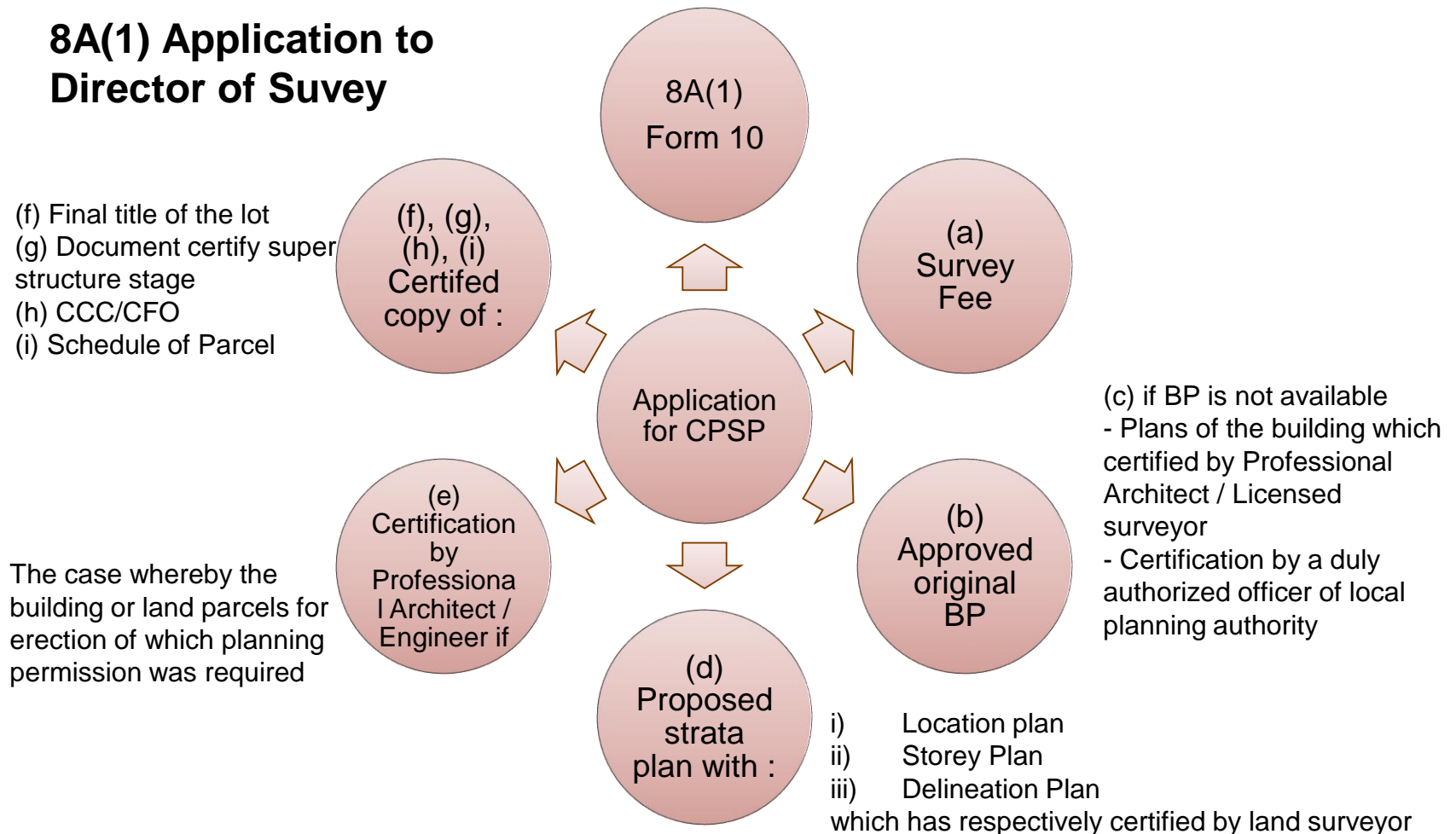
8(8) (b). Court may order the original proprietor to apply subdivision with the period specific in the order

8(9). The date which the building is completed shall be the date on which Certificate of Completion and Compliance is issued.

Section 8A

Application For Certificate of Proposed Strata Plan

8A(1) Application to Director of Suvey



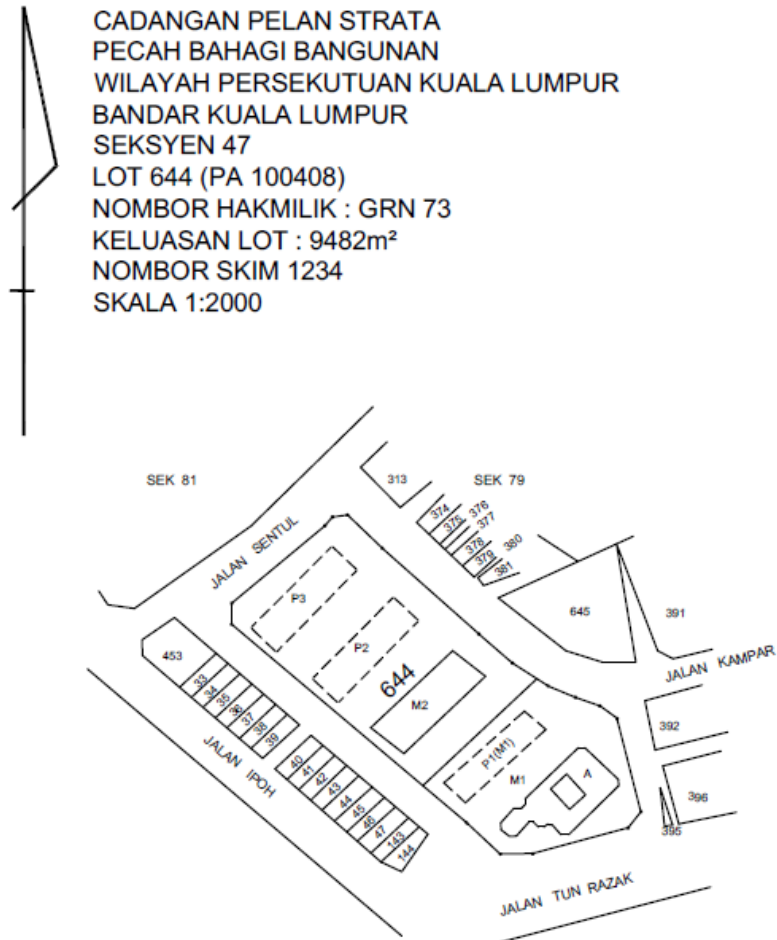
8A(1)(d). A proposed strata plan shall certified by a land surveyor follow by:

- i) made a **comparison** of the plans to the approved building plans prepared by a Professional Architect registered or a Professional Engineer
- ii) a storey plan, that the boundaries of the parcels shown **follow the features** of permanent construction appearing in the building
- iii) that the building or buildings are **situated wholly within the boundaries** of the lot in question.
- iv) that each of the proposed parcels has adequate:
 - a) **means of access** not passing through another parcel
 - b) means of internal communication
- v) that it has been **certified by a land surveyor** that the position of each provisional block as delineated on the location plan is wholly within the boundaries.

8A(1A). Director of Survey may give exemption on 8A(1)(e) and 8A(1)(h) for the case of (a) special building and (b) any other circumstances where he deems fit when approving the application.

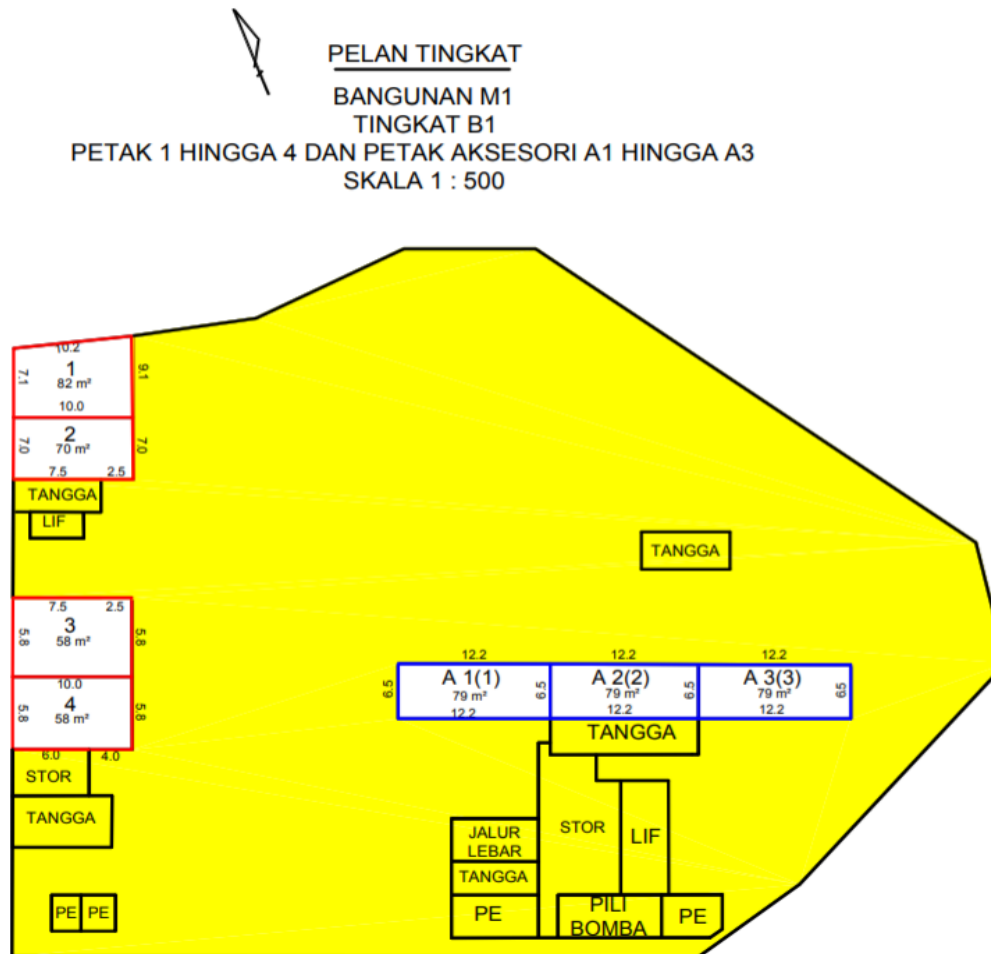
8A(2). For subdivision, the proposed strata plan shall comprise location plan and delineation plan. For the subdivision of land with shared basement, a storey plan is needed.

8A (3) Location plan shall



- (a) Specify lot number, land title number and area
- (b) Delineate the boundaries, boundary marks of the lot and the position of all building
- (c) For subdivision with shared basement, a vertical section of the building and basement shall be included
- (d) Other details determined by the Director of survey

8A (4) Storey plan shall



- (a) Specify lot number, land title number, building number and storey number
- (b) Delineate boundary and show horizontal dimension without bearing
- (c) Indicate in respect of each such parcel the number by which it is described in the plan
- (d) Specify floor area of parcel
- (e) Identify common property
- (f) Other details which may be determined by the Director of survey

8A (5) Delineation plan shall



- (a) Specify lot number, land title number and land parcel number
- (b) Delineate land parcel by reference of bearing distance to the lot boundary
- (c) Indicate in respect of each such parcel the number by which it is described in the plan
- (d) Specify land parcel area
- (e) Identify common property
- (f) Other details which may be determined by the Director of survey

8A (6) Proposed strata plan shall

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

PETUNJUK :

	HARTA BERSAMA
	SEMPADAN PETAK
	SEMPADAN PETAK AKSESORI

(b) Other details which may be determined by the Director of survey

8A (7) Where an accessory parcel

- (a) consists of a building or parts thereof and is bounded by external walls, floors and ceilings, the dimensions and boundaries of such accessory parcel shall be shown in the proposed strata plan;
- (b) does not consist of a building or parts:
 - (i) the external boundaries of the accessory parcel shall be ascertained from the building plans approved by the planning authority, and the accessory parcel shall be up to a reasonable height or to the extent of any projection above or encroachment below ground level by another part of the lot.
 - (ii) the proposed strata plan shall show a diagram of the accessory parcel with similar dimensions as those shown on the approved plans.

8A (8). The Director of survey shall check and carry out survey of the land or building and ;

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

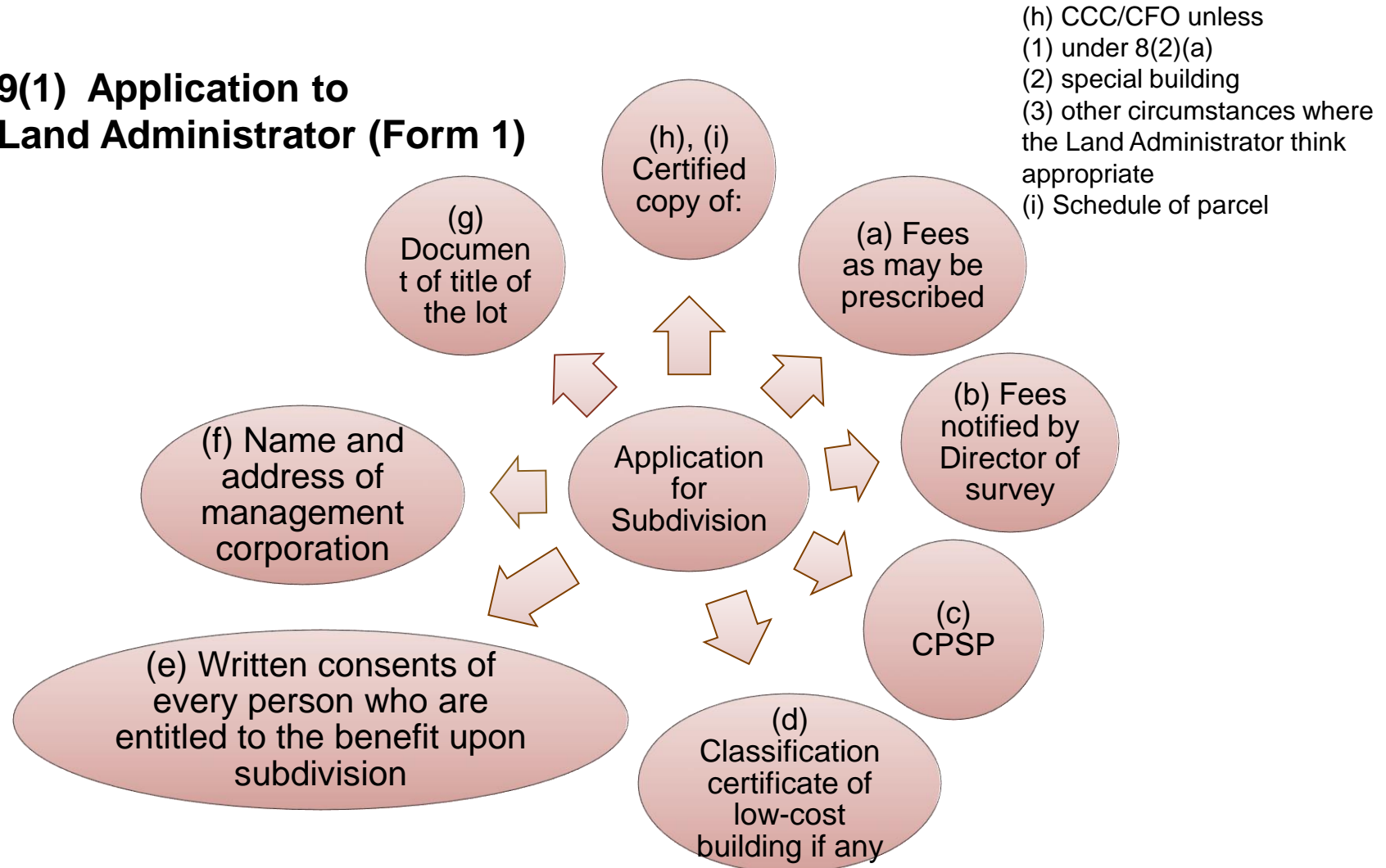
8A (9). Application involves provisional block(s) shall include:

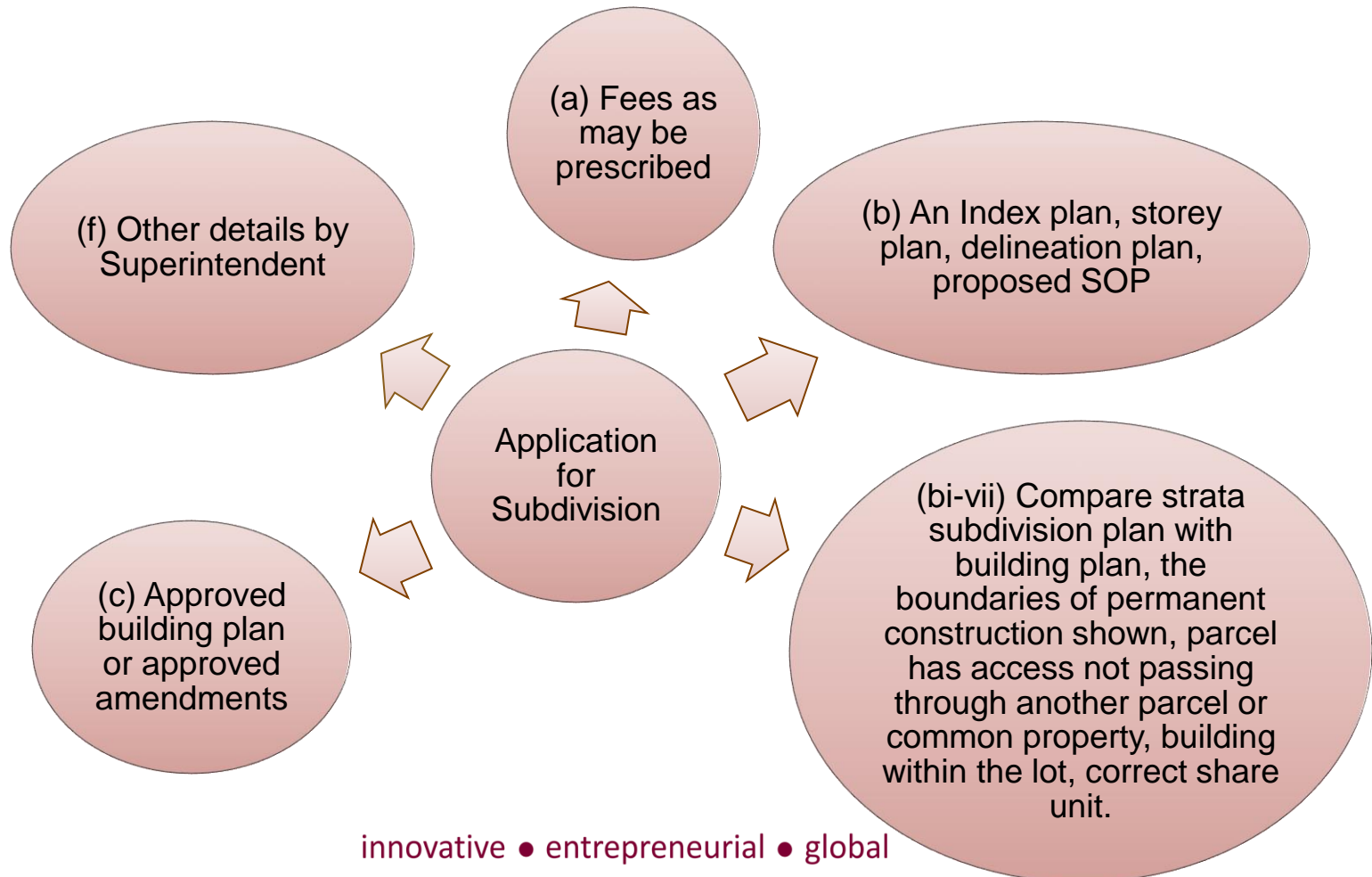
- (a) Approved building plan
- (b) Location plan with legend
- (c) Storey plan which shall delineate the external boundary of the provisional block
- (d) Proposed strata plan with (i) bearing and distance from the proposed block to the lot boundary, (ii) area of the provisional block(s) and (iii) other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

Section 9

Application For Subdivision of building, etc.

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



(Chapter 75)**(Amendments up to 12th December 2019)****6(1) Strata subdivision plan approval – Form to a Superintendent**

STRATA (SUBSIDIARY TITLES) 2019

(Chapter 75)

(Amendments up to 12th December 2019)

6(2) Index plan shall

- (a) Specify the number of the lot and the title number of the lot.
- (b) include a locality plan showing the boundaries of the lot, its number, area, the abuttals and adjoining lot numbers, roads and all other relevant details.
- (c) include a vertical section of each building, define by reference to permanent construction of floors or ceilings and showing the height of each storey.
- (d) contain such other details as the Superintendent may require.

STRATA (SUBSIDIARY TITLES) 2019

(Chapter 75)

(Amendments up to 12th December 2019)

6(3) Storey plan shall

- (a) Specify lot number, land title number, building number and storey number
- (b) Define the boundaries of each proposed parcel by reference to walls of permanent construction
- (c) Indicate in respect of each such proposed parcel the number by described in Form
- (d) Specify total area of proposed parcel
- (e) Identify common property
- (f) Show a legend of all proposed parcels and common property
- (g) contain such other details as the Superintendent may require.

STRATA (SUBSIDIARY TITLES) 2019

(Chapter 75)

(Amendments up to 12th December 2019)

6(4) Delineation plan shall

- (a) specify the number of the lot and the title number of the lot.
- (b) delineate the boundaries and boundary marks of the lot and the position of all buildings, showing which of those buildings are to be subdivided into building parcels, and in the case of a land to be subdivided into land parcels, delineate the boundaries and boundary marks of the lot and the land parcels, showing the position of all the buildings thereon by reference to the lot boundary showing the bearings and distances of each boundary.
- (c) Indicate in respect of each such proposed parcel the number by described in Form.
- (d) specify the superficial area on the ground of each proposed building.
- (e) Identify common property.
- (f) show a legend of all the proposed buildings, proposed land parcel and common property.
- (g) contain such other details as the Superintendent may require.

STRATA (SUBSIDIARY TITLES) 2019

(Chapter 75)

(Amendments up to 12th December 2019)

6(5) Proposed Schedule of Parcels shall

- (a) show the number of the lot, the title number of the lot comprised therein, and the building and numbered storey thereof to which the schedule relates.
- (b) show all the accessory parcels, and specify therein the proposed parcels they are made appurtenant to, irrespective of whether the accessory parcels are contiguous to those specified proposed parcels.
- (c) show the proposed share units in whole numbers of each proposed parcel and the total share units of all the proposed parcels .
- (d) contain such other details as the Superintendent may require.

STRATA (SUBSIDIARY TITLES) 2019

(Chapter 75)

(Amendments up to 12th December 2019)

6(6) Accessory parcel

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

(b) does not consist of a building or parts thereof, the external boundaries of the accessory parcel shall be ascertained from the approved building plan and any approved amendments and the accessory parcel shall be up to a reasonable height or to extent of any projection above or encroachment below ground level by another part of the parcel.

9(2) No application shall be made unless:

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

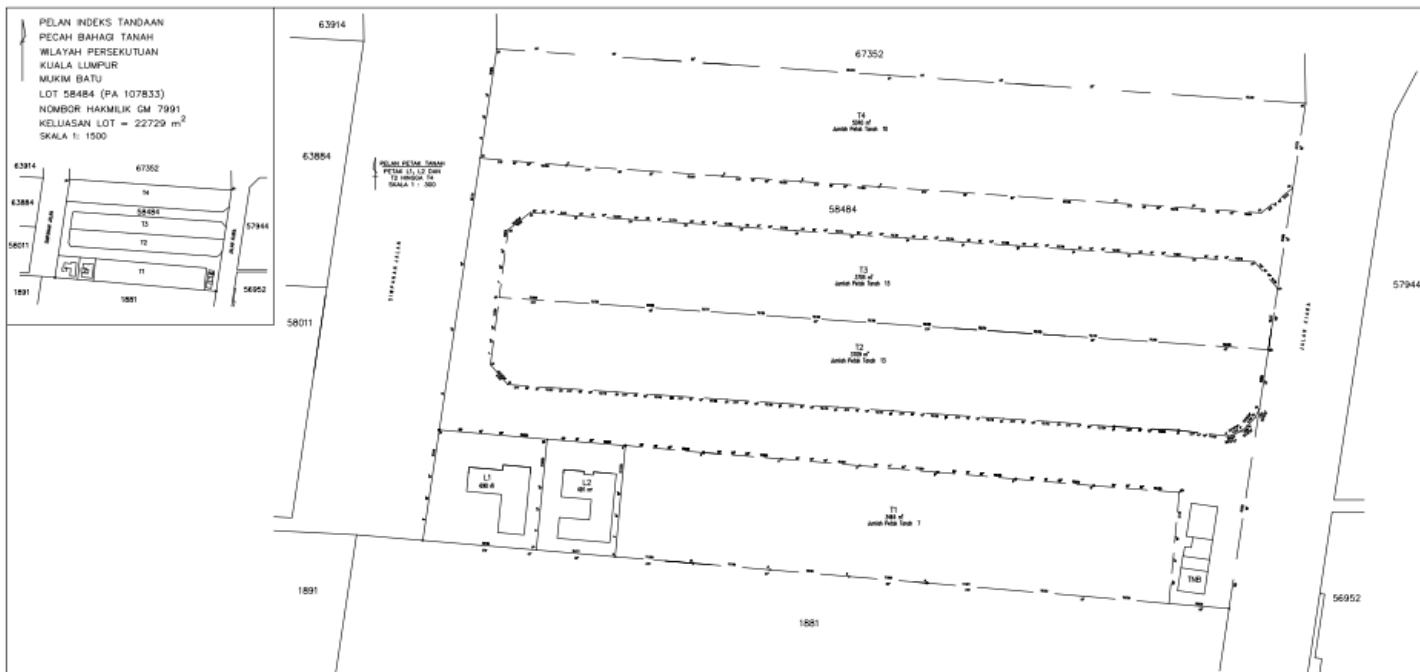
9(3) Upon receipt of an application, the Land Administrator shall endorse a note on the register document of title.

9(4) The Land Administrator shall transmit them to the Director together with his recommendations for approval or rejection.

Section 9A

Application For Subdivision In The Case Of Phased Developments

An application except where it relates to a low-cost building, shall include an application for the issue of provisional strata title for a provisional block in respect of a building or land, proposed to be, or in the course of being, erected on the lot in question.



STRATA (SUBSIDIARY TITLES) 2019

(Chapter 75)

(Amendments up to 12th December 2019)

7(1) Any submission may include an application for the issuance of a provisional subsidiary title in respect of a provisional block which is capable of being subdivided into parcels

7(2) any application shall be made in writing to Superintendent in the form as may be determined by the Director and shall be accompanied by :

- (a) Index plan
- (b) Storey plan
- (c) Delineation plan
- (d) Approved plans and any approved amendments
- (e) Proposed quantum of provisional share units for each provisional block
- (f) Proprietor, giving date of completion, paying deposit, written statement of deposit be forfeited if not completed.

Section 9B

Application For Subdivision In The Case Of Low-cost Buildings

9B(1) The State Authority may classify an application to be a low-cost building based on :

- 1) Location
- 2) Nature of construction
- 3) Cost of the building

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

9B(3) The State Authority shall issue a certificate that classified the building as low-cost building to the proprietor.

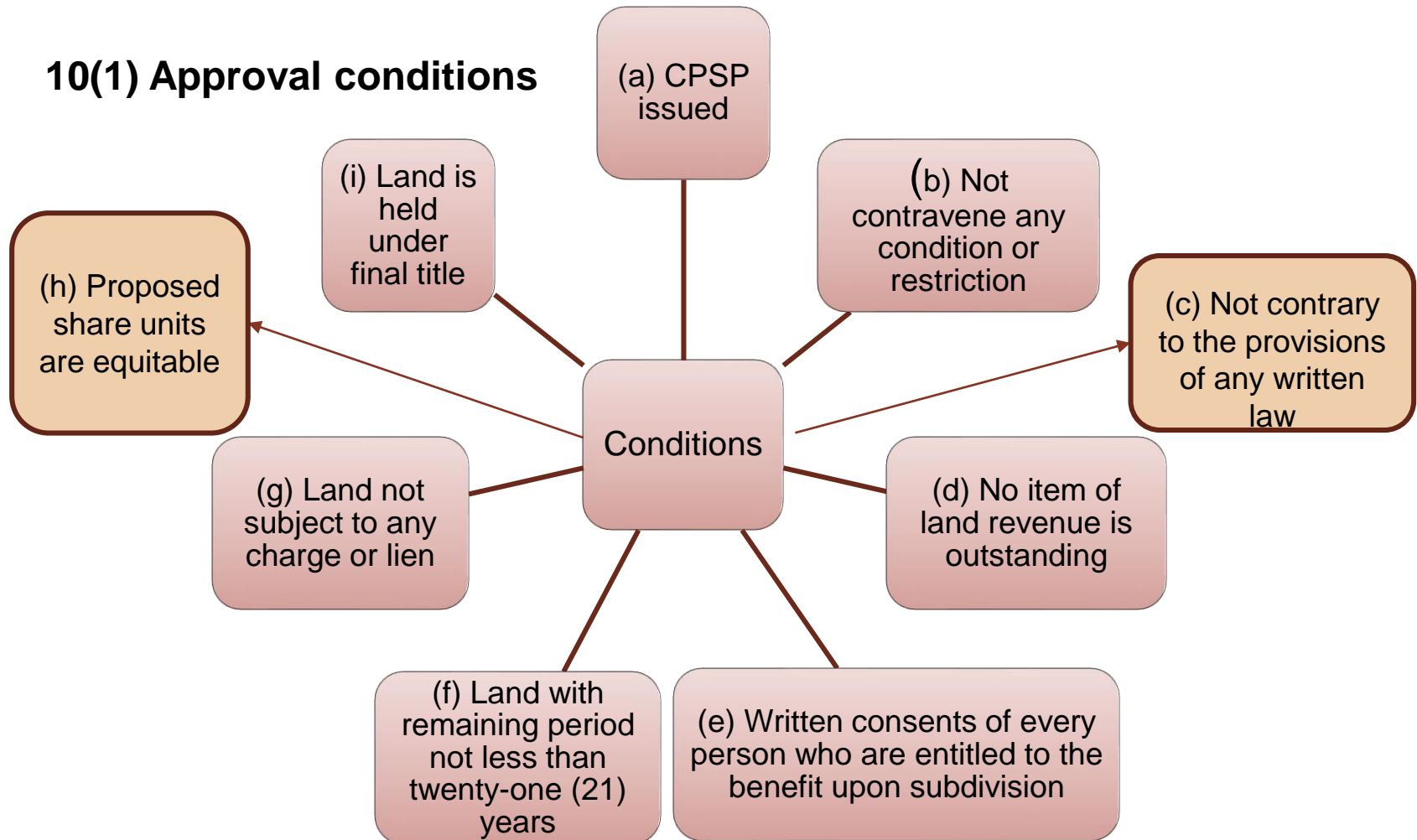
9B(4) The proprietor of the alienated land shall apply for subdivision under 9(1) upon received the certificate issued by the State Authority

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

Section 10

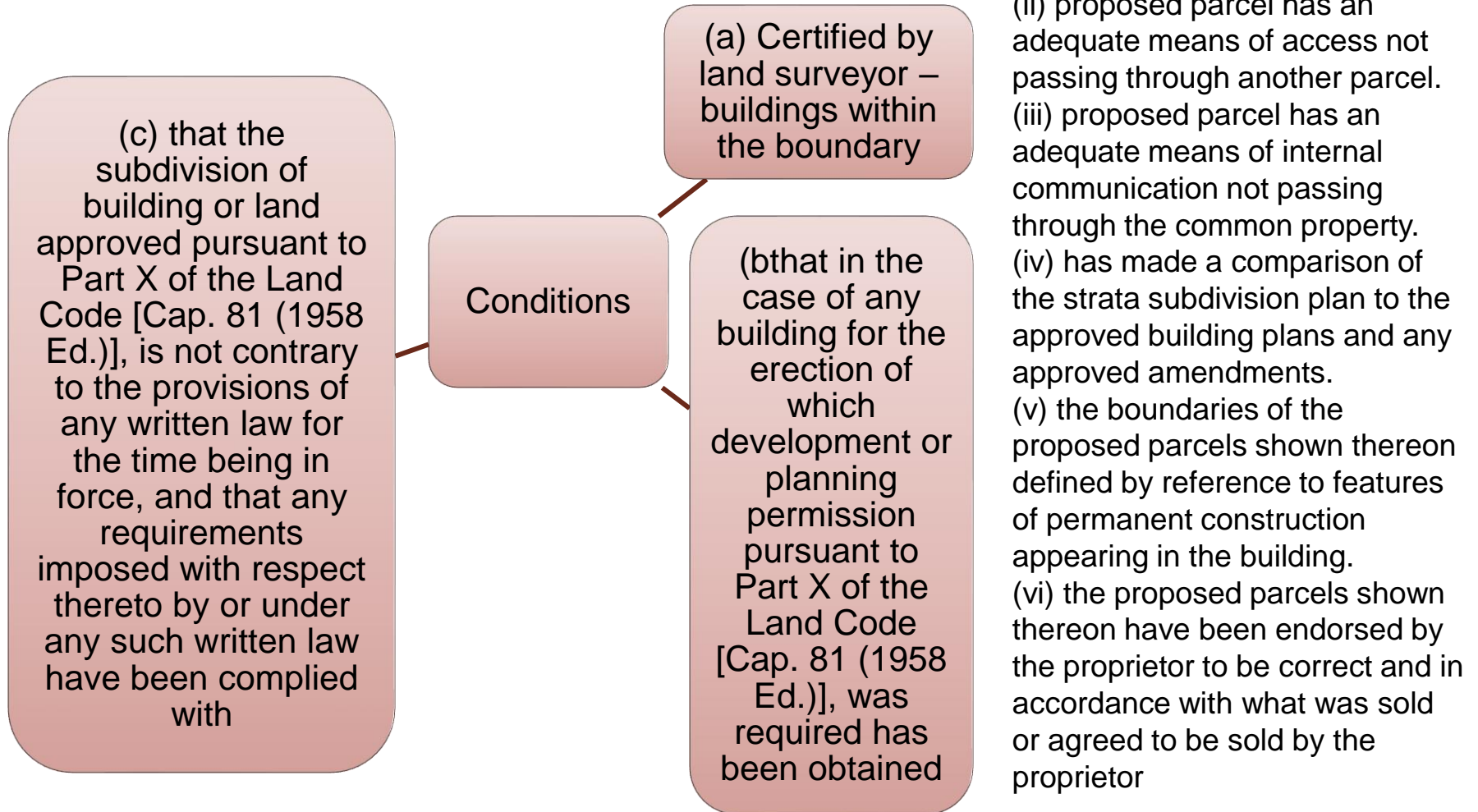
Conditions For Approval

10(1) Approval conditions



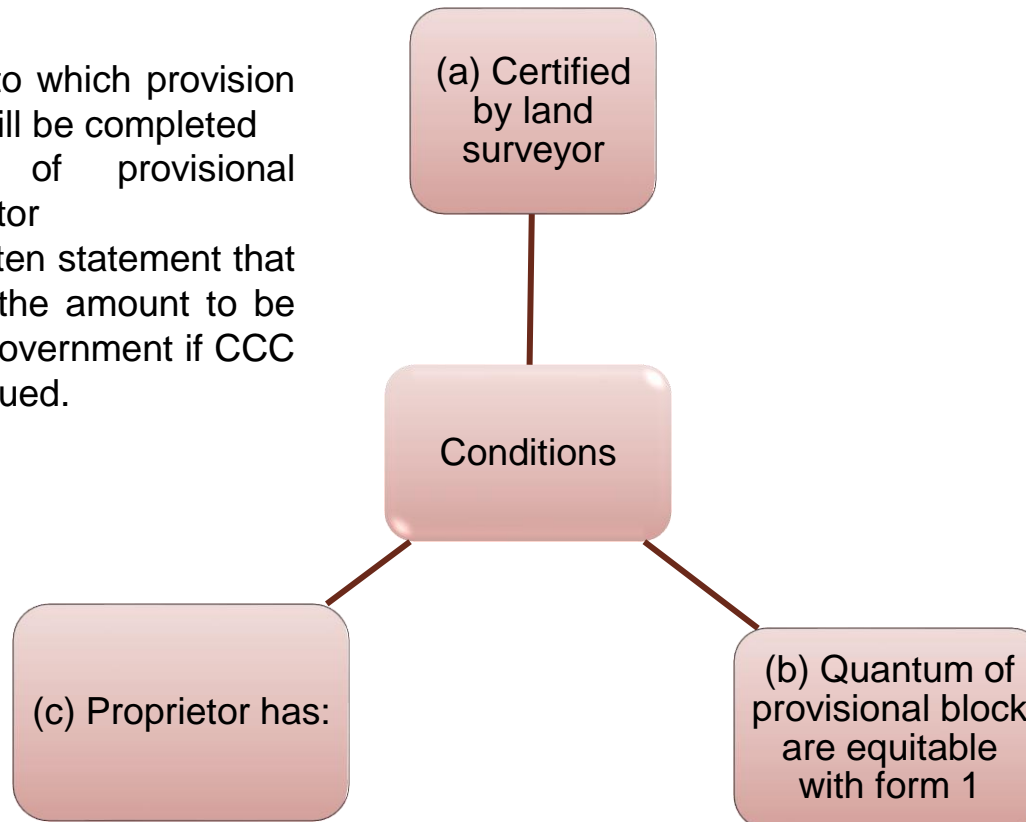
STRATA (SUBSIDIARY TITLES) 2019 (Chapter 75) (Amendments up to 12th December 2019)

9(1) Approval conditions of subdivision plan



10(2) Approval conditions for application involving provisional block(s)

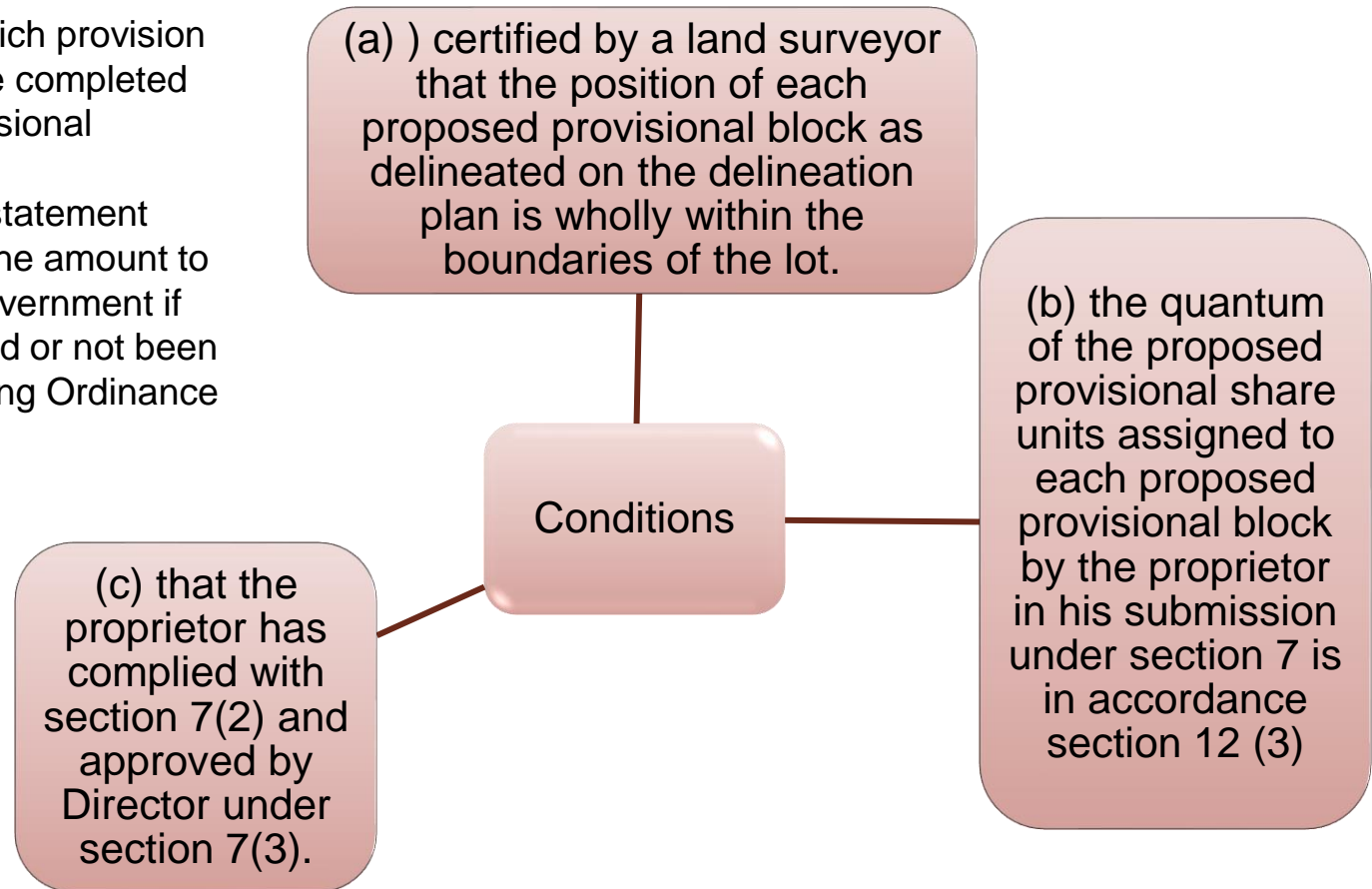
- (i) Given the date to which provision block(s) relate will be completed
- (ii) Paid deposit of provisional block(s) to Director
- (iii) Furnished a written statement that he agrees with the amount to be forfeited to the government if CCC has not been issued.



STRATA (SUBSIDIARY TITLES) 2019 (Chapter 75) (Amendments up to 12th December 2019)

9(2). Approval conditions for application involving provisional block(s)

- (i) Given the date to which provision block(s) relate will be completed
- (ii) Paid deposit of provisional block(s) to Authority
- (iii) Furnished a written statement that he agrees with the amount to be forfeited to the government if building no completed or not been certified under Building Ordinance 1994



Section 11

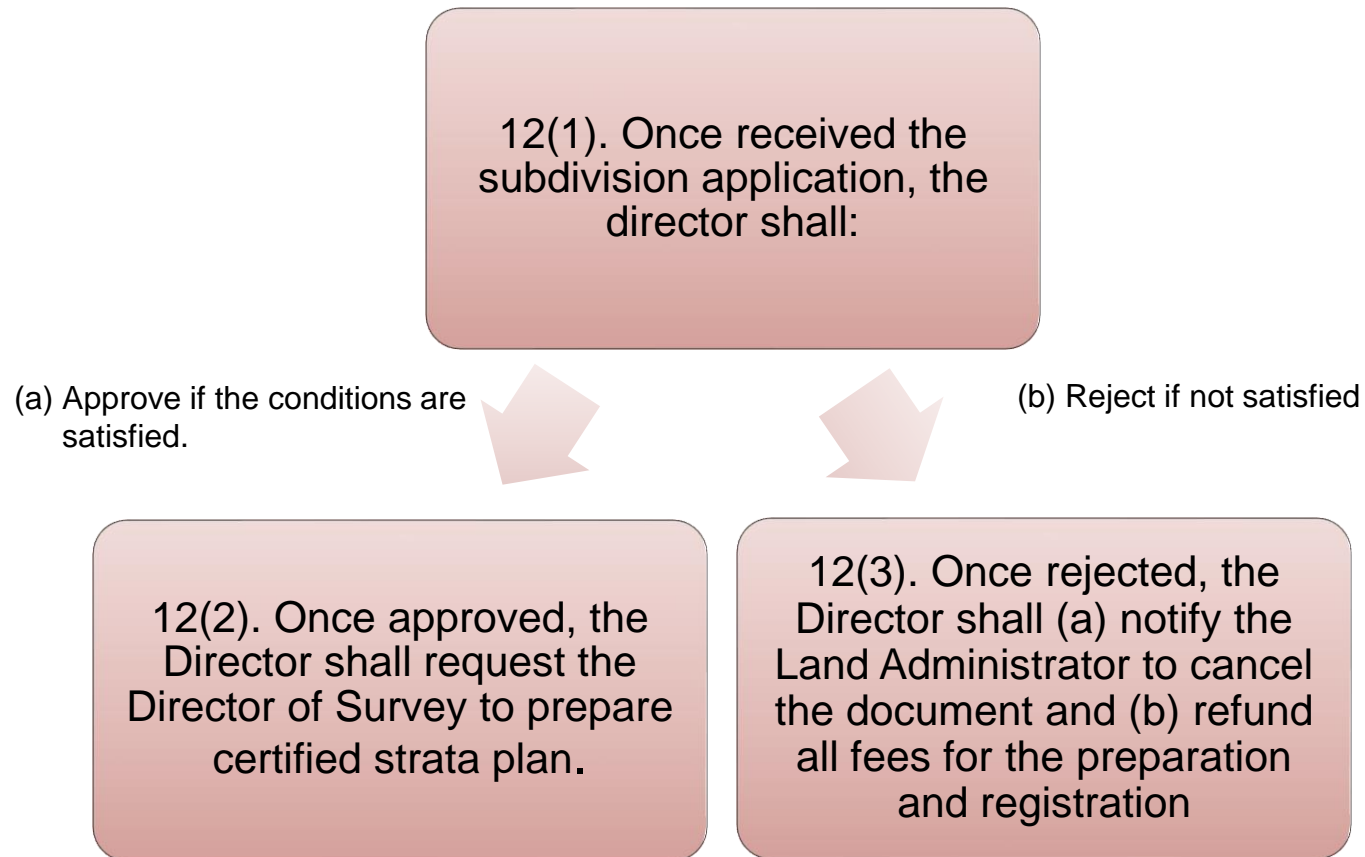
Withdrawal Of Applications

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

11(2). Upon withdrawal, the Director shall notify the Registrar or Land Administrator for the cancellation of the register document

Section 12

Powers Of Director Of Lands And Mines In Relation To Applications



STRATA (SUBSIDIARY TITLES) 2019 (Chapter 75) (Amendments up to 12th December 2019)

10. Action after strata subdivision plan approval

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

(b) in any other case, reject the strata subdivision plan

- (i) An adequate means of access
- (ii) Adequate means of internal communication

(2) Inform Superintendent and he shall:

(a) carry out or cause to be carried out by a land surveyor such survey of the lot

(ii) a certified strata plan complying with the requirements.

(4) the relevant approved strata subdivision plan, be taken to be the centre of the floor, wall or ceiling, as the case may be, or in the case of land parcels, the boundary at ground level may be defined by their demarcation on the land

(5) the certified strata plan in respect of a provisional block shall contain a plan showing the position of each provisional block and the vertical section and dimension of the building or shared basement for land parcels, if any.

(6) The certified strata plan prepared shall be submitted for approval of the Government surveyor under the Land Surveyors Ordinance, 2001

10(1). On receiving any strata subdivision plan submitted under section 6, the Superintendent shall

(3) The certified strata plan shall contain—

(a) an index plan showing vertical section of the building, showing the floors, ceilings, height and position therein of the storeys to which it relates;

(b) a delineation plan of the lot showing the position of every subdivided building or land;

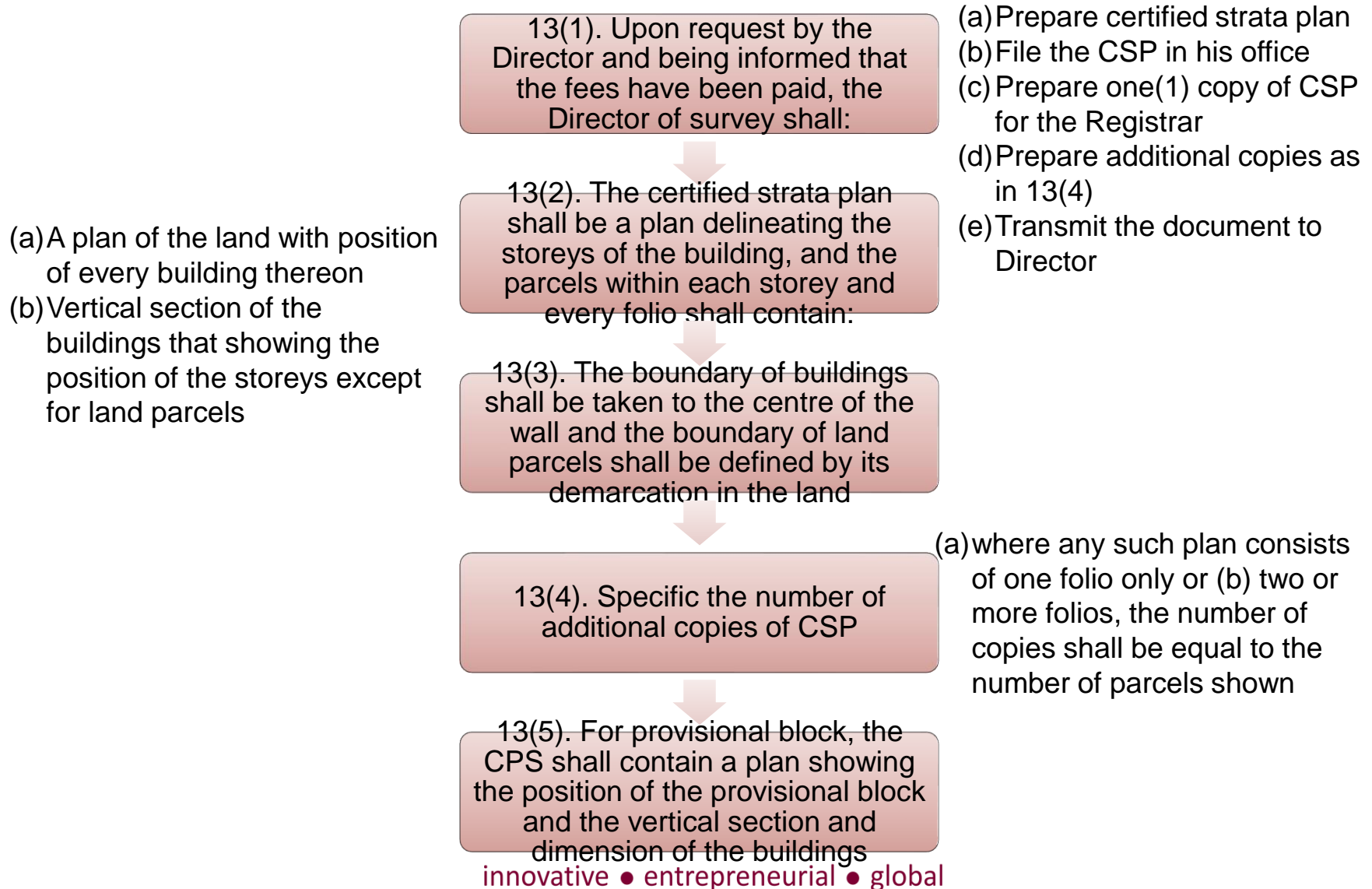
(c) a storey plan showing the boundaries of each of the proposed parcels within the storey;

(d) a schedule of parcels showing all the accessory parcels, and and show the share units in whole numbers of each proposed parcel and the total share units of all the parcels;

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

Section 13

Action By Director of Survey After Approval of Subdivision



STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

11.Action By Superintendent After Approval of Subdivision

(1). The superintendent shall:

- (a) Carry out survey
- (b) Prepare index plan and file in his office a certified plan
- (c) Prepare one(1) copy of certified plan for the registrar



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



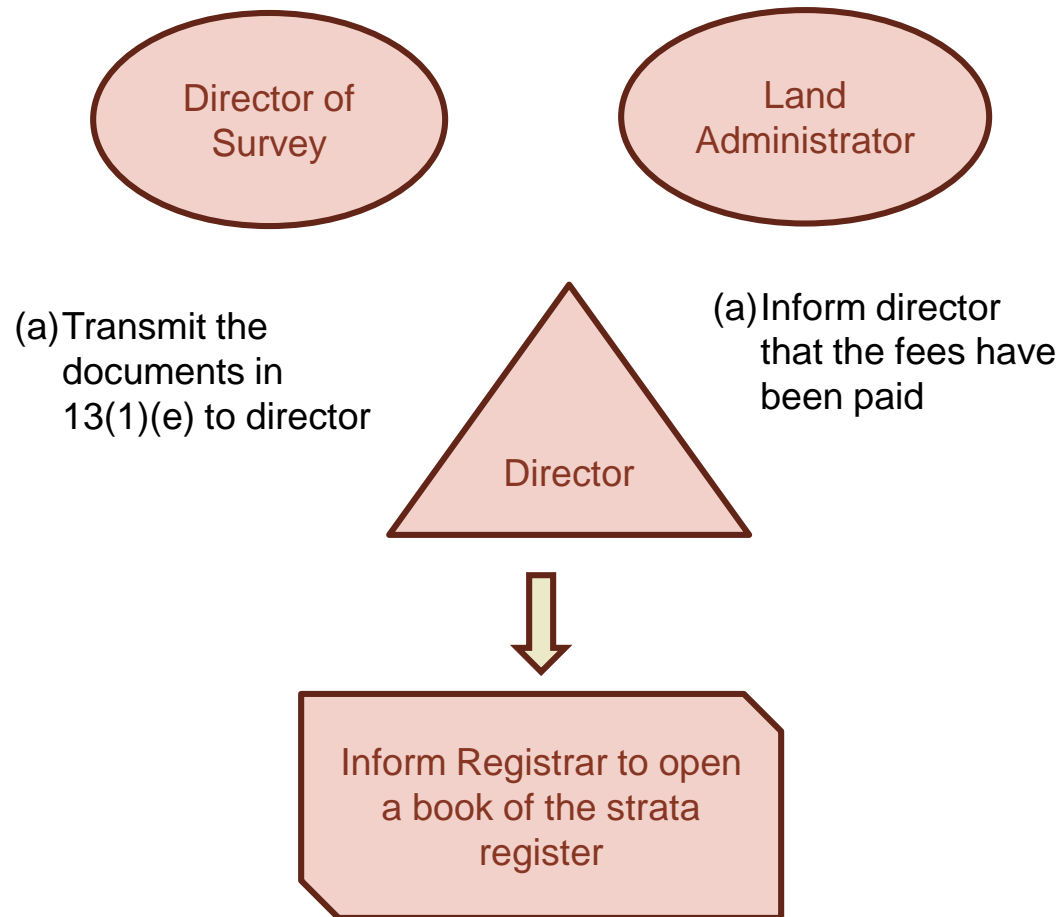
(3). For the purpose of preparing the plan, the measurement shall be taken to the centre of the floor, wall or ceiling



(4). The number of copies of plan shall equal to the total number of parcel in the building

Section 14

Issue of Strata Titles To Individual Parcels



STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

Issue of subsidiary title to individual parcels

12. The superintendent shall call upon the proprietor for the payment of:

- (a). Any amount underpaid
- (b). Fees to prepare and register document of subsidiary title.

As soon as the fees are paid, the Superintendent shall require the Registrar to open a book of the subsidiary register.

Section 15

Preparation And Maintenance Of Strata Register

15(1)

- The Registrar shall prepare and maintain for strata register

15(2)

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

15(3)

- Name of the management corporation
- Address for the service of documents

15(3A)

- If the proprietor failed to supply the name and address of management corporation, the Registrar shall:
 - (a) Determine the name of the management corporation
 - (b) State the address for the service

15(4)

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

15(5)

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

15(6)

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

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

Preparation and maintenance of register of subsidiary title

14(1). The Registrar shall prepare subsidiary register:

14(2). :Subsidiary register consist of book with:

- (a). An index in Form 2
- (b). An statement in Form 3 which shall
 - (i) set up all memorials, endorsements and other entries
 - (ii) Confirm no other entries.
- (c). Copy of the certified plan
- (d). Register of document of subsidiary titles

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

Preparation and maintenance of register of subsidiary title

14(3). The name and address of management corporation

14(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 shall be endorsed on the register of the document of subsidiary title to the parcel in question.

Section 16

Documents of Strata Title

16(1). The Registrar shall prepare documents of strata title in respect of:

- (a) a parcel in Form 4; and**
- (b) a provisional block in Form 4A, if any.**

16(2). The document shall consist of:

- (a) A register document of title in Form 4 and Form 4A if related**
- (b) An issue document of title consisting a copy of the register document attached to the copy of certified strata plan**

In the case of parcel created on the division or amalgamation, the plan to be attached shall be prepared under part V

16(3). Every document of strata title shall be prepared in the name of the person last registered as proprietor of the lot.

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

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

Provided that where any parcel is subject to a charge or lien, nothing in section 90 of the National Land Code shall be taken to authorise the issue of the document of title thereto to the proprietor of the parcel.

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

Documents of Strata Title of subsidiary title

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

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

15(2). The document shall consist of:

- (a) A register document of title in Form 4
- (b) An issue document of subsidiary title with a copy of
 - (i) Certified plan and
 - (ii) Statement in form 3

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.

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

Documents of Strata Title of subsidiary title

15(3). The name of the person last registered is the owner of the title

15(4). In the case of provisional block, the word “Provisional” shall be on the register.

15(5). The registration of the documents of subsidiary title shall consist of their authentication under the seal of the Registrar.

15(6). The provisions of Part VII of the Land Code (Cap 81) shall apply to documents of subsidiary titles as they apply to other document of title

Section 17

Effect Of Opening Of Book Of Strata Register

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

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

17(3). Upon the opening of a book for the strata register, the Director shall issue a certificate certifying the establishment of the management corporation as a body corporate on the day specified in the certificate the book of strata register is opened.

17(4). The management corporation shall be known by the name appearing in the book of strata and shall be a body corporate which having perpetual succession and a common seal.

17(5). In the case where a certificate certifying the establishment of the management corporation was not issued during the opening of a strata book, the management corporation may apply to the Director for a certificate certifying that the management corporation has been established.

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

Effect Of Opening Of Book Of Subsidiary Register

16(1). On authenticating the statement in Form 3, the Registrar shall make a memorial to the effect that the book has been opened, and that the common property is vested in the management corporation and shall return the issue document of title to the corporation

16(2). No entry shall thereafter be made on either of the documents of title except one affecting the common property.

Section 17A

Limited Common Property And Subsidiary Management Corporations Allowed

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



17A(2). Limited common property designated shall:

17A(3). The application for establishing a sub-mc in form 9 shall be accompanied by :



- (a) Identify the boundary or area of the limited common property in the special plan
- (b) Specify the exclusive benefit entitled to specific proprietor
- (c) Other details determined Director of Survey



- (a) Fees prescribed
- (b) A copy of comprehensive resolution certified by the Commissioner
- (c) Special plan prepared under 17A(2)

17A(4). The Director shall refer the application to Director of Survey to check the special plan and shall:



- (a) Advise the Director whether the plans are in order
- (b) Notify the Director on the fees to be collected

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



17A(6). The sub-mc may sue or be sued

Section 17B

Ownership Of Common Property And Custody Of Issue Document Of Title

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

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

17B(3). The management corporation shall:

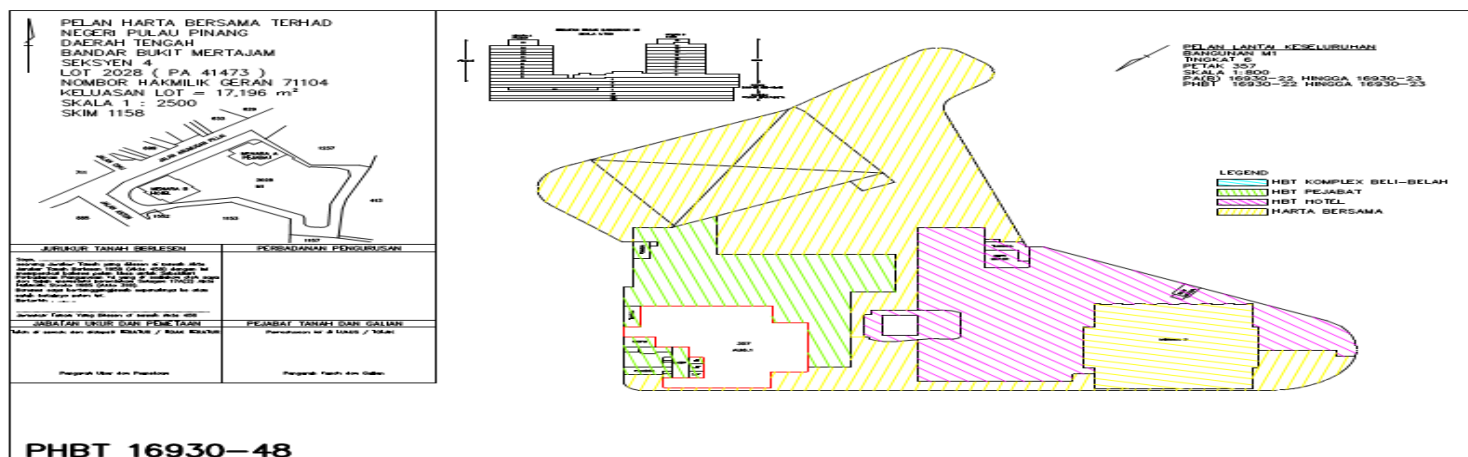
(a) shall exercise all the power only on the authority of a unanimous resolution.

(b) shall not have the power to transfer, charge or lien any portion of the common property.

17B(4). An instrument that is executed by the management corporation under 17B(2) shall be accompanied by a document under the seal of MC stating that:

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

17B(5). The instrument executed under 17B(4) shall, in favour of the Registrar or a party to the transaction other than the management corporation, be conclusive evidence of the facts certified.



Section 18

Share Units Of Parcels

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

Section 19

Provisional Share Units Of A Provisional Block

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

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

Share Units Of Parcels

13.(1) Each parcel shall have a share value which:

(a) Expressed in whole numbers

(b) Assigned by the proprietor of lot and specified in Form 1

13.(2) Share value in respect with provisional block shall also express in whole number

Section 20

Circumstances In Which It Is Compulsory For A Proprietor of
Provisional Strata Title To Apply For Strata Title

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

- The **proprietor of provisional strata title**

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

- **within the period**, apply in accordance for the subdivision of the building or land capable of being issued with strata titles;
- **any time he has sold or agreed to sell any parcel** in such building or land to any person.

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

PART IV : PROVISIONAL BLOCK: ISSUE OF SUBSIDIARY TITLES UPON COMPLETION OF BUILDING

Application for subsidiary titles upon completion of building

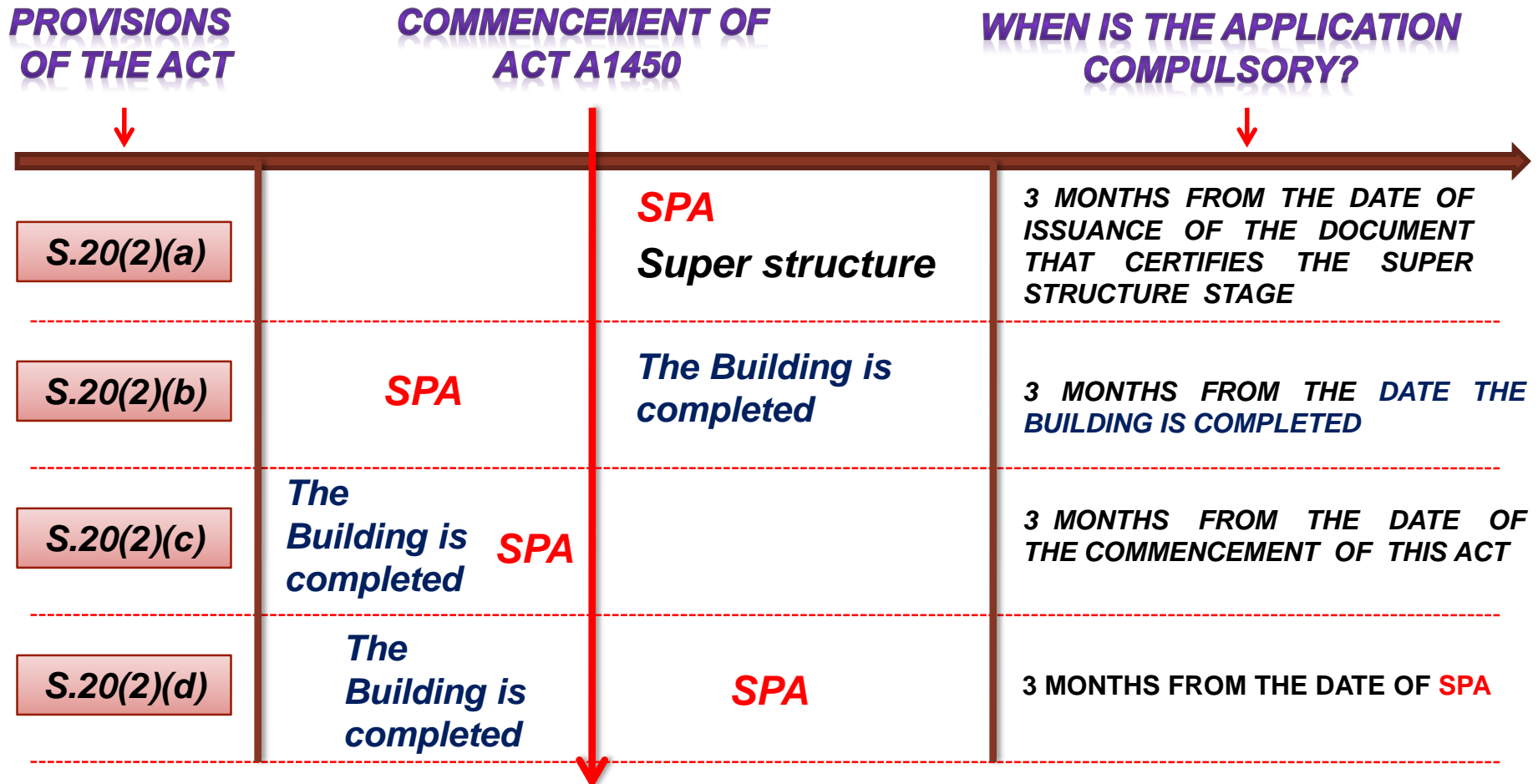
17 (1) Who shall apply strata title for provisional strata title?

- The proprietor of provisional strata title

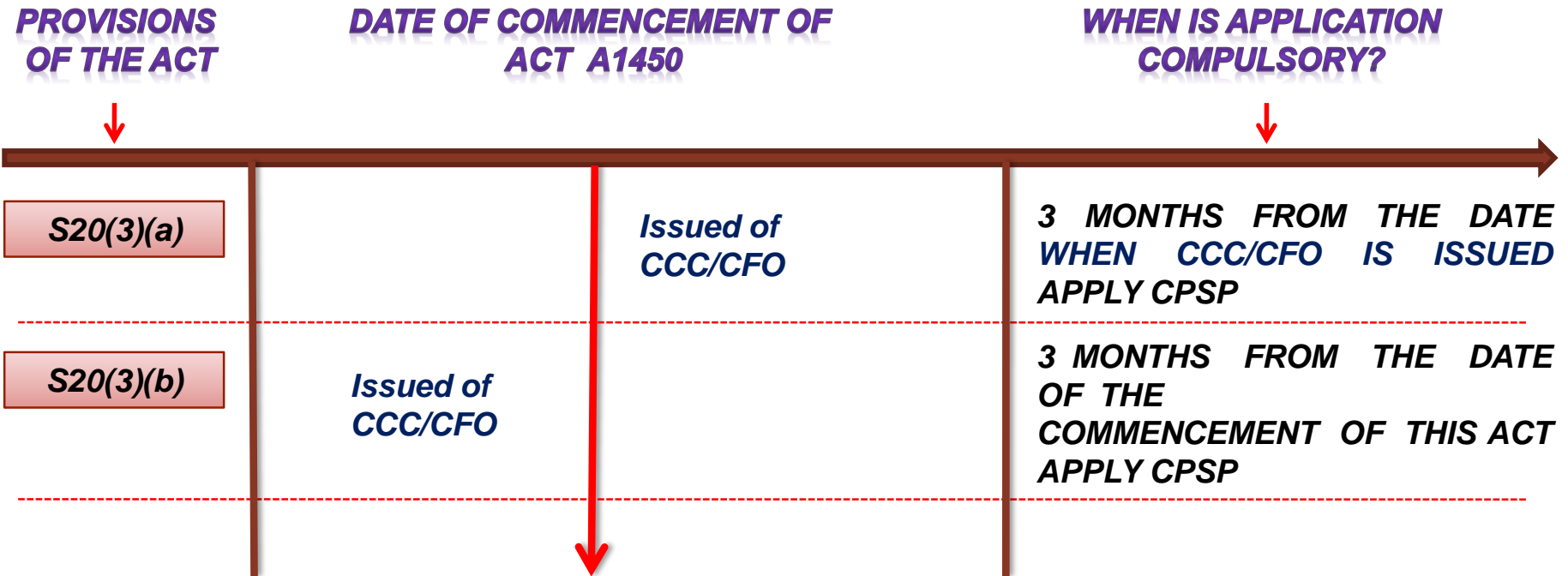
17 (1) When shall apply strata title for provisional strata title?

- 6 months after building has been completed and certified under the building ordinance
- The Authority may extend the date once by less than 6 months

20 (2) When is strata title application compulsory when proprietor of provisional strata title has sold or agreed to sell any parcel?



20 (3) What if the proprietor of provisional strata title has not sold or agreed to sell any parcel that has been issued with CCC?



Section 20 (4) The proprietor of provisional strata title of the building or land which **had been issued** with the certificate of proposed strata plan (CPSP), shall apply for **subdivision**.

Within one month
from the date
issue CPSP

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

Within one month

Section 20 (6) If again, an application made before expiry, be **extended** once by the **Director of Survey** for any further period **not exceeding one month**.

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

If not made within
the period

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

The proprietor
commit offence
shall be liable

Section 20 (9)

- fine of not less than **RM10,000** but not exceeding **RM100,000**; or
- imprisonment for a term not exceeding **3 years or both**; and
- to a further fine of not less than **RM100** but not exceeding **RM1,000** for continuing offence

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

Failure to apply under section 17

21. When the application for subsidiary titles for provisional block is not made within the period:

Fine < RM5k and further fine < RM1k each day of continuing offence

Failure to pay amount demanded under section 18

22. If the proprietor of the provisional subsidiary title fails to pay any amount demanded pursuant to section 18(2) within one month:

Fine < RM1k and further fine < RM50 each day of continuing offence

Section 20A

Application For Certificate of Proposed Strata Plan for
provisional Block

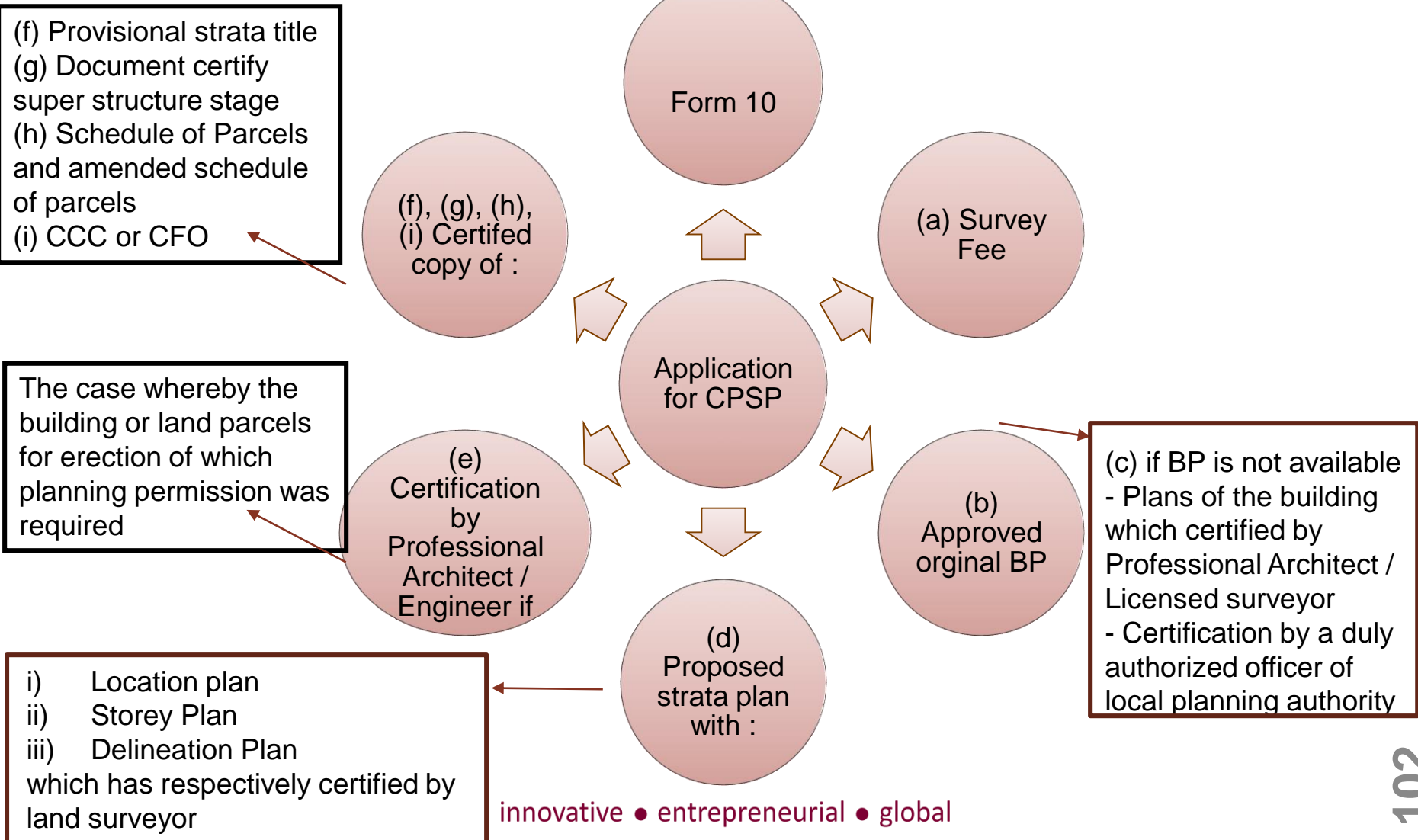
20A (1) Who shall apply for certificate of proposed strata plan (CPSP)?

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

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

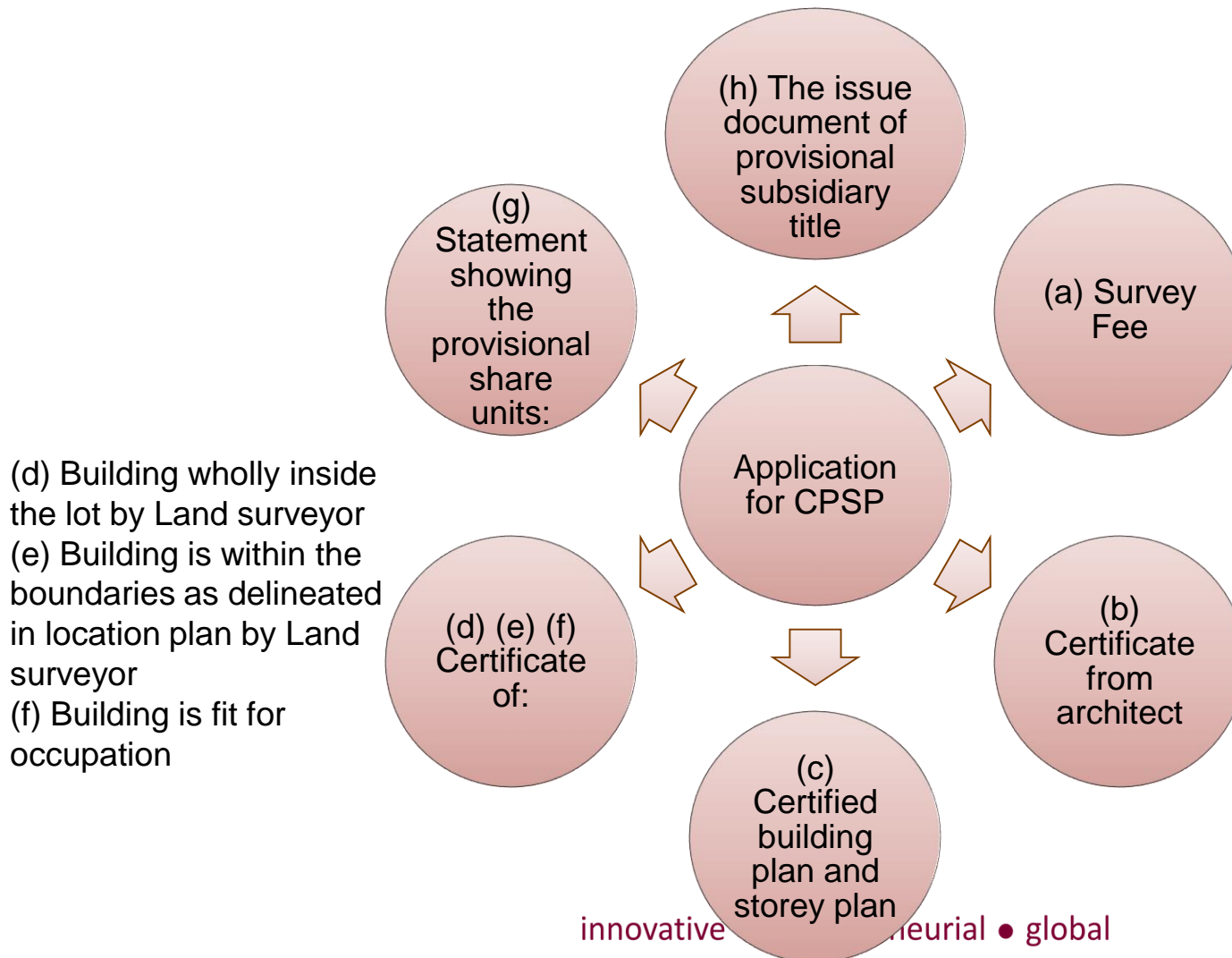
make an application for the approval of the Director of Survey for the issuance of the certificate of proposed strata plan to the **parcels within a period of three months from the issuance of the certificate** and shall submit a proposed strata plan to the Director of Survey (Form 10).

20A (1) What have to be submitted together with Form 10 when submit a proposed strata plan?



STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

17(2) What have to be submitted to superintendent together with Form 5 for the application



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

- i) made a **comparison** of the plans to the approved building plans prepared by a Professional Architect registered or a Professional Engineer
- ii) a storey plan, that the boundaries of the parcels shown **follow the features** of permanent construction appearing in the building
- iii) that the building or buildings are **situated wholly within the boundaries** of the lot in question
- iv) that each of the proposed parcels has adequate:
 - a) **means of access** not passing through another parcel
 - b) means of internal communication
- v) that it has been **certified by a land surveyor** that the position of each provisional block as delineated on the location plan is wholly within the boundaries.

20A (1A) The Director of Survey may give exemption to the documents such as certification by architect or engineer and certificate of completion and compliance or certificate of fitness for occupancy for:

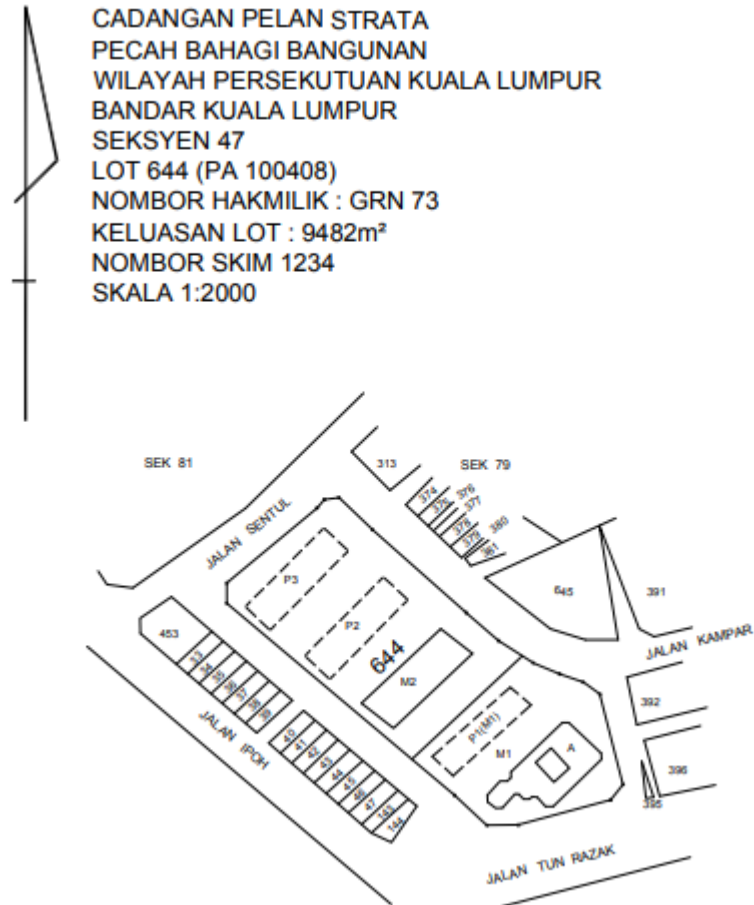
- (a) of a special building; or
- (b) in any other circumstances where he deem fit

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

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

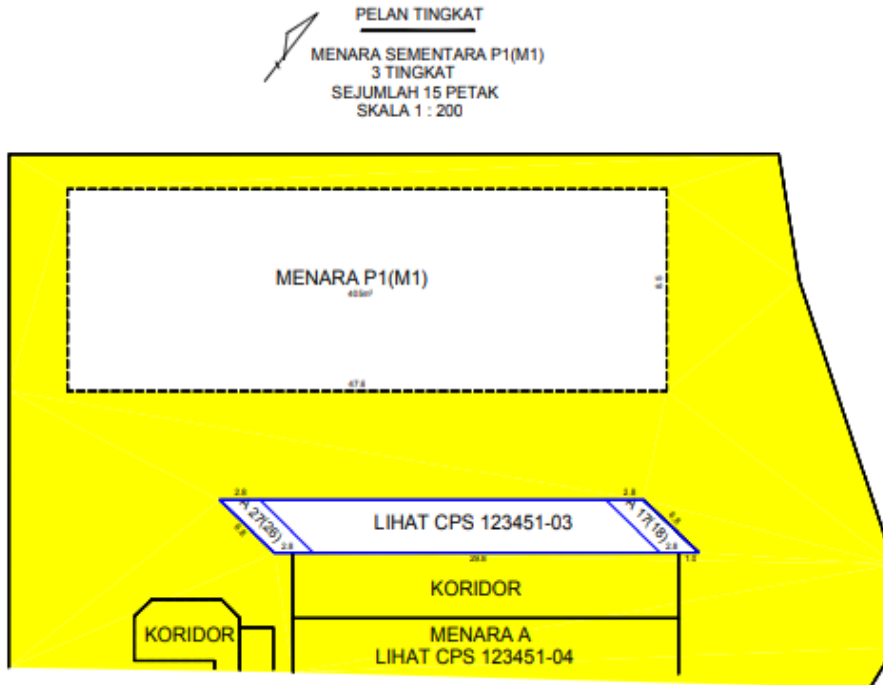
- (a) Proposed accessory parcels
- (b) Common property

20A (3) Location plan shall



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

20A (4) Storey plan shall



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

PETUNJUK :**HARTA BERSAMA****SEMPADAN PETAK AKSESORI****BLOK SEMENTARA**

a) Every proposed strata plan shall show legend of

- (i) all parcels;
- (ii) all common property; and
- (iii) all accessory parcels, and specify therein the parcels they are made appurtenant to, irrespective of whether the accessory parcels are contiguous to those specified parcels

b) Contain such other particulars as may be determined by the Director of Survey.

a building or parts thereof and is bounded by:
external walls, floors and ceilings, the dimensions and
boundaries of such accessory parcel.

Consist
of

20A (7) Accessory parcel

Does not
consist of

- (i) the external boundaries of the accessory parcel shall be ascertained from the building plans
- (ii) the proposed strata plan shall show a diagram of the accessory parcel with similar dimensions

20A (8) The Director of Survey shall thereupon check the location plan, storey plan and delineation plan, whichever is applicable, carry out or cause to be carried out such survey

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

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

- a) Location plan
- b) Delineation plan

for the case of a shared basement includes a storey plan showing the proposed parcels and common property

Section 20B

Application for subdivision of building, etc. for provisional block

a) Fees as may be prescribed

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

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

b) such fees as notified by the Director of Survey

c) a certificate of the proposed strata plan

d) the issue document of provisional strata title

f) a certified copy of the schedule of parcels or amended schedule of parcels.

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

Section 20B (3) The Land Administrator shall transmit them to the Director together with his recommendation for approval or rejection.

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

17(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

17(4) Superintendent shall check the plan can carry out survey

Section 21

Power of Director of Lands and Mines in relation to application

Section 21 (1) Power Of Director Of Lands And Mines

a)
approve

b)
reject

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

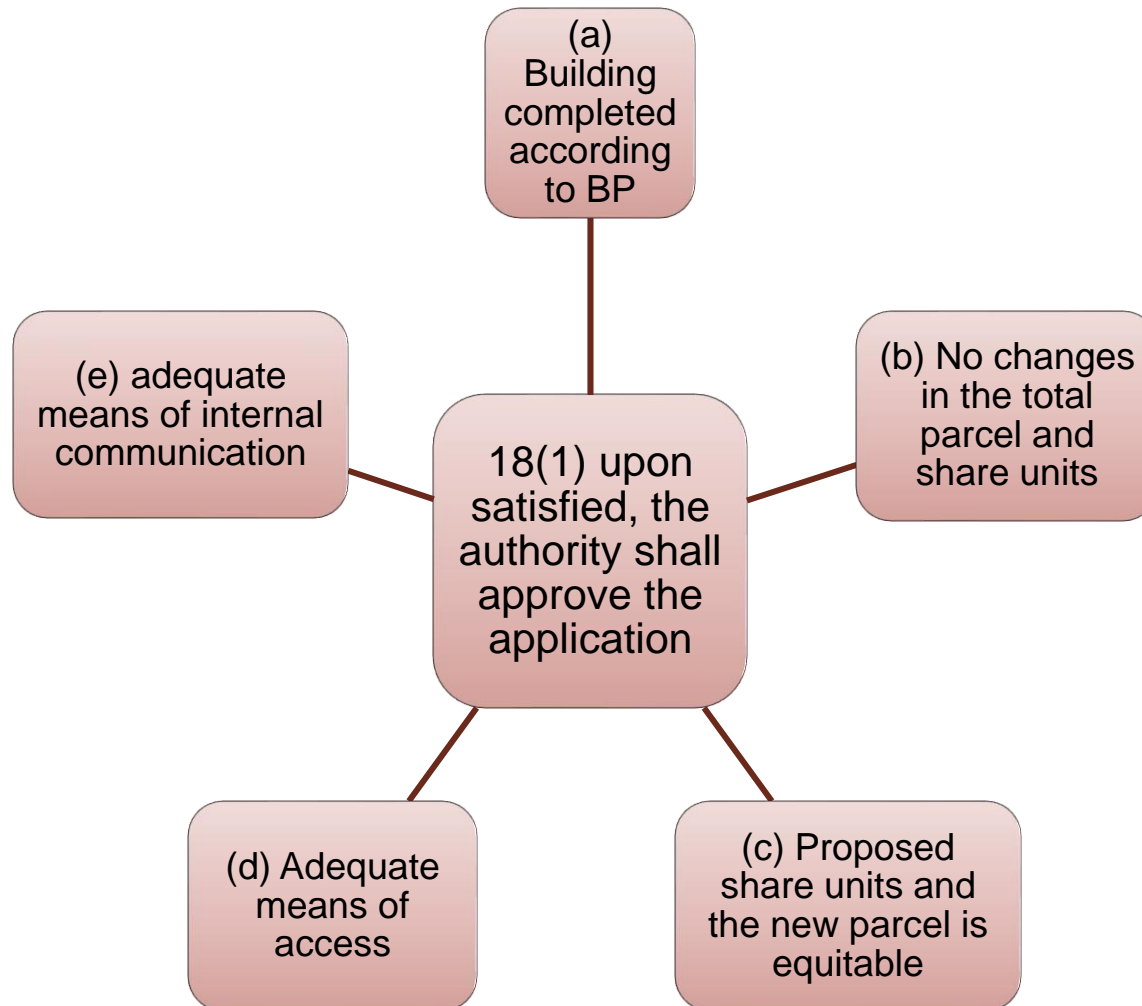
- a) request the Director of Survey a certified strata plan
- b) notify the Land Administrator of the approval and direct him to collect fees from the proprietor

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

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

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

18. Power of Authority in relation to application



Section 22

Action by Director of Survey after approval

Section 22 The Director of Survey

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

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

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

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

Action by Superintendent after approval

18(2) When the Authority has approved any application, the Superintendent shall:

- (a) transmit to the Registrar the application
- (b) notify the Registrar of the approval and direct him to collect the fees from the proprietor

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

Action by Registrar after approval

19 Upon approval from Superintendent and payment from proprietor, the Registrar shall:

- (a) Prepare a new certified plan incorporating the changes made
- (b) Preparation of copy of new certified plan for the attachment to the issue documents of subsidiary title

Section 23

Modification of Strata Register, Issue of Fresh Documents of Titles
And Cancellation of Provisional Document of Title

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

Section 23 (2) The Registrar shall:

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

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

Modification of Subsidiary Register, Issue of Fresh Documents of Titles And Cancellation of Provisional Document of Title

20(1) Upon receiving the copies of all documents and the fees for preparation and registration of subsidiary titles have been paid, the Superintendent shall direct the Registrar to take action.

20(2) The Registrar shall:

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

Section 23A Interpretation

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

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

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

Section 23B

Rent to be debt due to State Authority

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

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

Section 23C

Determination and computation of rent

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

a) The Land Administrator shall determine the amount of rent

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

Section 23C

Determination and computation of rent

23C (2) The Registrar shall make a memorial or an endorsement to the existing issue document of title of the lot and the existing issue document of strata title.

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

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

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

23C (6) The rent payable in any calendar year shall **fall due in full on the first day of that year**, if not sooner paid, it **will become arrears** on the **first day of June in that year**.

Section 23C

Determination and computation of rent

23C (7) In subsection 94 (2) of National Land Code and the modification in paragraph 1 of twelfth Schedule to the National Land Code shall be applicable for arrears of rent.

23C (8) For amount of the rent:

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

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

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

Section 23D

Where rent payable

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

Office of the Land Administrator

Other places through any person or body **approved by State Authority.**

Section 23E

Notice of Demand

S23E (1) For any rent payable, the Land Administrator may cause to be served on the proprietor a notice of demand in **Form 11**.

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

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

Section 23F

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

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

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

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

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

S23F (4) Any **lessee, sublessee or tenant** who incurs any additional liability or suffers any deduction under this section may recover the amount either by civil action against the proprietor.

Section 23G

Effect of payment of sum demanded

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

Section 23H

Forfeiture for non-payment of sum demanded

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



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

Section 23I

Power of State Authority to revise rent periodically

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

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

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

S23I (4) State Authority shall take no account of increase in parcel or provisional block values attributable due to improvement.

Section 23I

Power of State Authority to revise rent periodically

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

- a) On the first revision, it have effect not less than ten years after the coming into operation of rent and be made together with the revision of rent under section 101 of National Land Code.
- b) The subsequent revision shall have effect not less than 10 years after last revision of the rent and be made together with the revision of rent under section 101 of National Land Code.

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

- a) Amend the amount of rent endorsed on the document of title and payable of parcel and provisional block affected by the revision by substituting the revised rent.
- b) Note the date of making the amendment and the authority and authenticate.

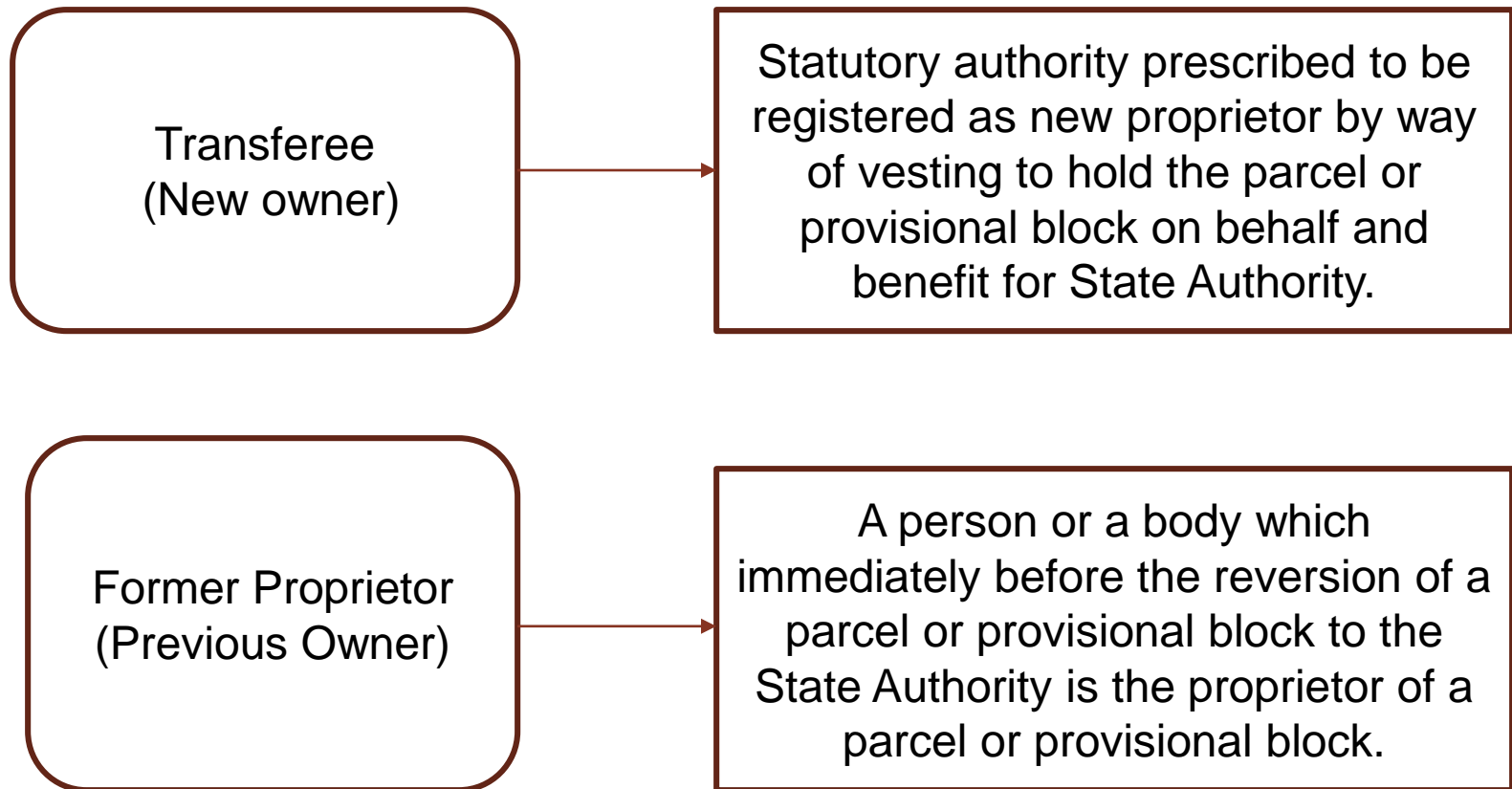
Section 23J

Effect of Termination of subdivision

In relation to memorial made pursuant to subsection 57(2),

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

Section 23K Interpretation



Section 23L

Reversion to State Authority and vesting to take effect upon notification in the Gazette

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

S23L (2) After publication of Form 12 in the Gazette, the Land Administrator shall :

- a) Cause a copy of the notification to be sent to management corporation.
- b) Publish the notification in accordance with section 433 of the National Land Code.

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

Section 23M

Effect of forfeiture

The effect of any forfeiture to any parcel or provisional block

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

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

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

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

(e) Any item of land revenue due to State Authority shall be **extinguished**.

Section 23N

Parcel or provisional block not to be transferred during period for appeal against forfeiture

S23N (1) Any parcel or provisional block has reverted and vested to the transferee by reason of forfeiture under this Part shall not have dealing under National Land Code in Division IV before:

- a) The expiry of the period of three months under section 418 of National Land Code which an appeal lies to the court
- b) The determination of the appeal and any proceedings consequent.

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

Section 230

Power of State Authority to annul forfeiture

S230 (1) Any former proprietor may at any time apply by a petition to the State Authority to annul the forfeiture immediately before the forfeiture.

S230 (2) The State Authority may in its absolute discretion refuse or allow any petition. State authority may allow the petition if upon payment by the petitioner:

- a) i) If the forfeiture involve **non-payment of rent**, all the sums now due was required to be paid by the notice of demand served. ii) Such penalty not exceeding 6 times of the sum required to be paid. iii) Other sum also paid by the transferee upon effect the forfeiture.
- b) If the forfeiture involve **a breach of condition**, the State Authority may determine the amount of expenses occasioned by the forfeiture.
- c) All the sum of payment involve in petition shall be paid within one month beginning from date which it was communicated.

Section 230

Power of State Authority to annul forfeiture

S230 (3) If the petitioner fails to settle the amount, the **allowance of petition** for the annulment of the forfeiture shall be **null and void**.

S230 (4) Upon the payment of all sums specified, the Registrar shall **make a memorial to effect vesting** of the parcel or provisional block to the petitioner on the register and issue document of title.

Section 23P

Appeal against forfeiture

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

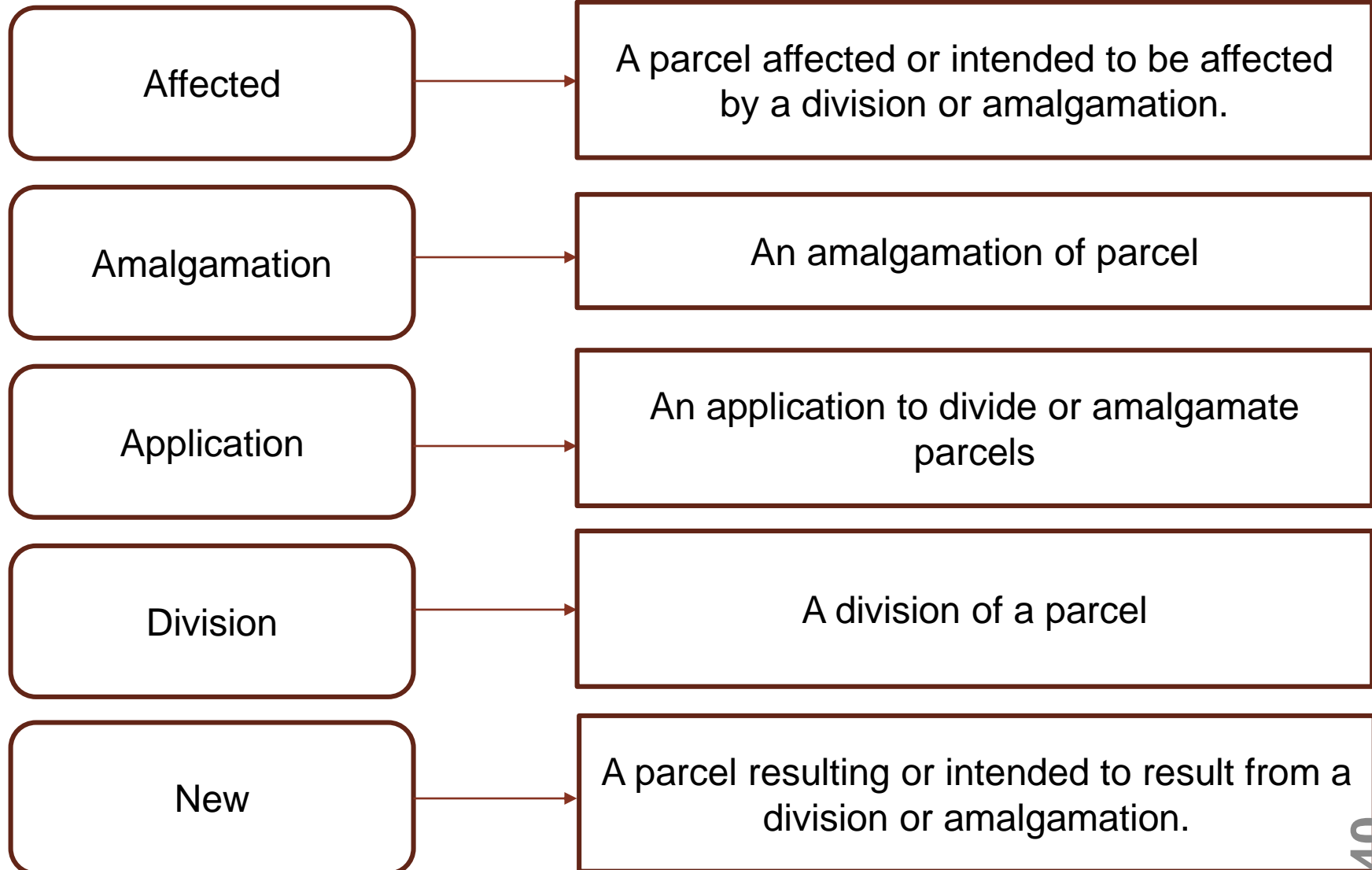
S23P (2) Order of Land Administrator under Section 23H of Strata Title Act or Section 129 of National Land Code **shall be set aside by any court** if

- (i) Grounds of its having been made contrary**
- (ii) Land Administrator fail to comply with the requirement** of any provision.
- (iii) If any irregularity in the form or service of any notice** unless the irregularity was significant nature in opinion of court.

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

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

Section 24 Interpretation



STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

FOURTH SCHEDULE

1. Interpretation

Affected > a parcel affected or intended to be affected by a division or amalgamation;

Amalgamation > amalgamation of parcels;

Application > application for amalgamate or subdivide

Division > division of a parcel;

New > a parcel resulting or intended to result from a division or an amalgamation;

Storey> horizontal division of a building whether or not on the same level throughout, and whether above or below the surface of the ground;

Section 25

Power to divide and amalgamate parcels

S25 (1) A parcel proprietor may with the approval of Director

7

- i) divide his parcel into two or more new parcels each under a separate strata title or
- ii) amalgamate two or more contiguous parcels to form one parcel to be held under a single strata title

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

b) For amalgamation of parcels, the **express conditions** for the affected parcels are not **contrary with one another** and the express conditions for the new parcels are not contrary to the express condition of the affected parcels.

Section 25

Power to divide and amalgamate parcels

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

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

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

FOURTH SCHEDULE

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

(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(2) Any two or more parcels shall be taken to be contiguous if each of them shares at least one boundary.

Section 26

Effect of division or amalgamation

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

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

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

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

FOURTH SCHEDULE

Effect of division or amalgamation

3(1) For division, the number of share units of each parcel shall be a whole number

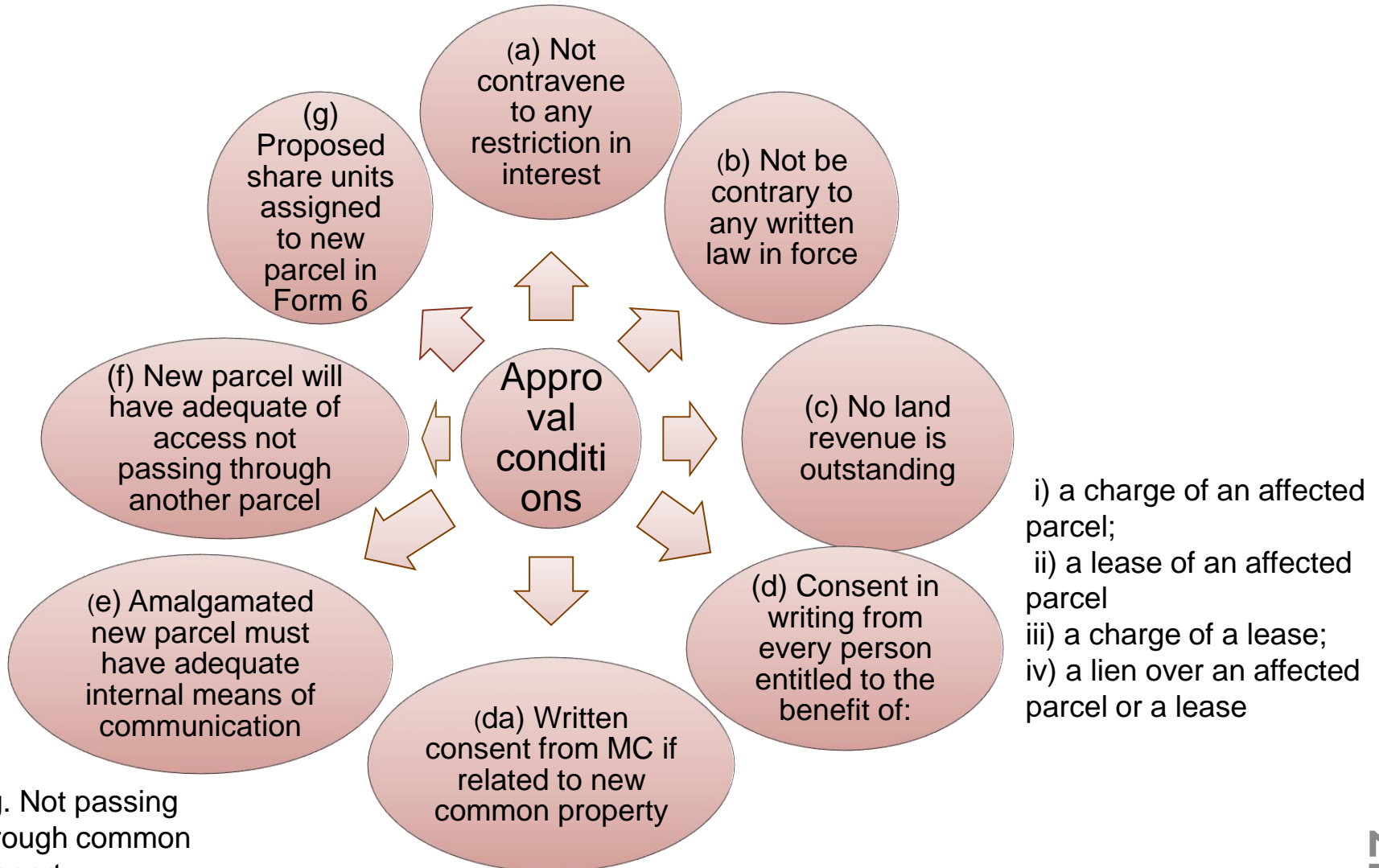
And the total number of share units of all the new parcel shall be equal to the number of share units of the divided parcel

3(2) For amalgamation, the number of share units of the new parcel shall equal to the total number of share units of the amalgamated parcels

3(3) Part V, which is the management of building, shall apply in the relation to a new parcel.

Section 27

Condition for approval of division or amalgamation



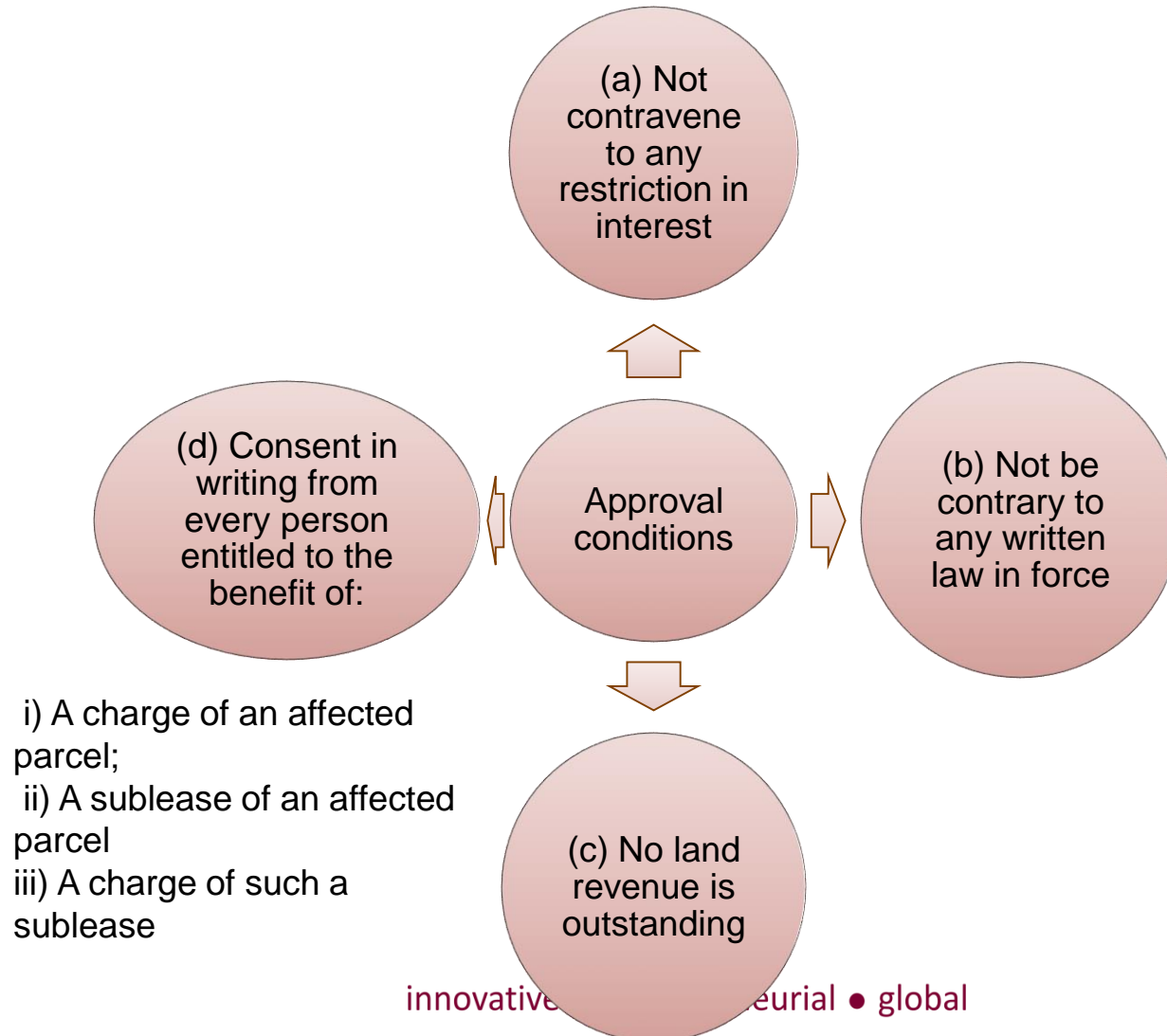
Eg. Not passing through common property

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)



FOURTH SCHEDULE

4. Conditions for approval of division or amalgamation



Section 28

Application for approval

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

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

S28 (2) The Land Administrator shall:

- a) endorse a note of the making of the application on the register document of title to each affected parcel
- b) refer the application to the Director of Survey and transmit to him a copy of the plan

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)



FOURTH SCHEDULE

Application for approval

5(1) Any application for the approval of the Authority through the Superintendent for division or amalgamation shall be accompanied by:

- (a) Fee as may be prescribed;
- (b) a plan showing all the details of the division or amalgamation, together with such number of copies of the plan as may be prescribed
- (c) a statement of the number of share units of the new parcel or parcels; and
- (d) all such written consents from person who entitled to benefit

5(2) If satisfied, Superintendent shall transmit the same to Authority through the Director and also forward a copy to the Register for endorsement

Section 29

Action by Director of Survey

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

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

Section 30

Land Administrator To Transmit Application To Director Of Lands And Mines

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

Section 31

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

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

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

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

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

- a) Transmit to Director of Survey the application and other accompany document
- b) Notify the Land Administrator the approval and direct him to collect fee for preparation and registration of strata titles from proprietor.

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)



FOURTH SCHEDULE

Power of Superintendent in relation to application

6(1) (a). Approved the application if:

- (i) Have adequate internal means of communication
- (ii) Adequate means of access

6(1) (b). In other case, reject the application

If the amalgamation involves the creation of a new parcel extending beyond the limits of a storey, the Superintendent shall reject the application unless in his opinion the proposals are warranted by the special circumstances of the case.

6(2) When the Authority approves an application, the Secretary shall inform the Superintendent which then inform the Registrar
Superintendent shall then estimate the fees chargeable and call for the payment of applicant.

6(3) When the Authority rejects an application, the Superintendentshall notify the applicant and the Registrar who shall cause to be cancelled the note of the Application.

Section 32

Preparation of new certified strata plan by Director of Survey

The Director of Survey in preparation of new certified strata plan

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

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

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

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)

FOURTH SCHEDULE

Action by Superintendent

7(1). After the division or amalgamation the fees has been duly paid, the Superintendent shall carry out such survey of the affected parcel and prepare a new certified plan which shall incorporate the changes made by the division or amalgamation

7(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.

Section 33

Modification Of Strata Register and Issue Of Fresh Documents Of Titles

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

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

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

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

c) **Issue title in continuation to the new parcel** or parcels as if he were issuing title in continuation to land subdivided or amalgamated

STRATA TITLES ORDINANCE 1995 (Amendments up to 31th July 2008)



FOURTH SCHEDULE

Modification of subsidiary register and issue of fresh documents of title

8(1) The Superintendent shall call upon the application for payment of—

- (a) Any amount underpaid
- (b) The fees for the issue documents of title of the new parcels

(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
- (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
- (c) issue title to the new parcel or parcels.

Section 33A

Effect Of Registration In Respect Of Common Property Created Upon Division Or Amalgamation

Upon the **registration of the strata title or new title for parcel or parcels** upon the division or amalgamation, the parts of any parcel **which are created as common property shall be deemed to form part of the common property** in relation to all the parcels comprised within the subdivided building or land.

Section 34

Rights Of Proprietor In His Parcel And Common Property

34(1). A proprietor shall have:

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

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

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

34(4). Not allowed to change the express conditions on the strata title.

Section 35

Rights Of Support, Service And Shelter

35(1). Each parcel shall be implied a right of support and a right of service.

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

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

35(4). In this section:

"right of support" means a right to subjacent and lateral support by the common property and by every other parcel capable of affording support;

"right of service" means rights to the passage or provision of water, sewage, drainage, gas, electricity, garbage, artificially cooled or heated air and other services (including telephone, radio and television services) through or by means of pipes, wires, cables or ducts.

Section 36

Share Unit Entitlements

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

- (a) The voting rights
- (c) The amount to be paid to management corporation

Section 37

Restrictions On Voting Rights

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

Section 38

Power Of Court Where No Person Is Able To Vote In Respect of A Parcel

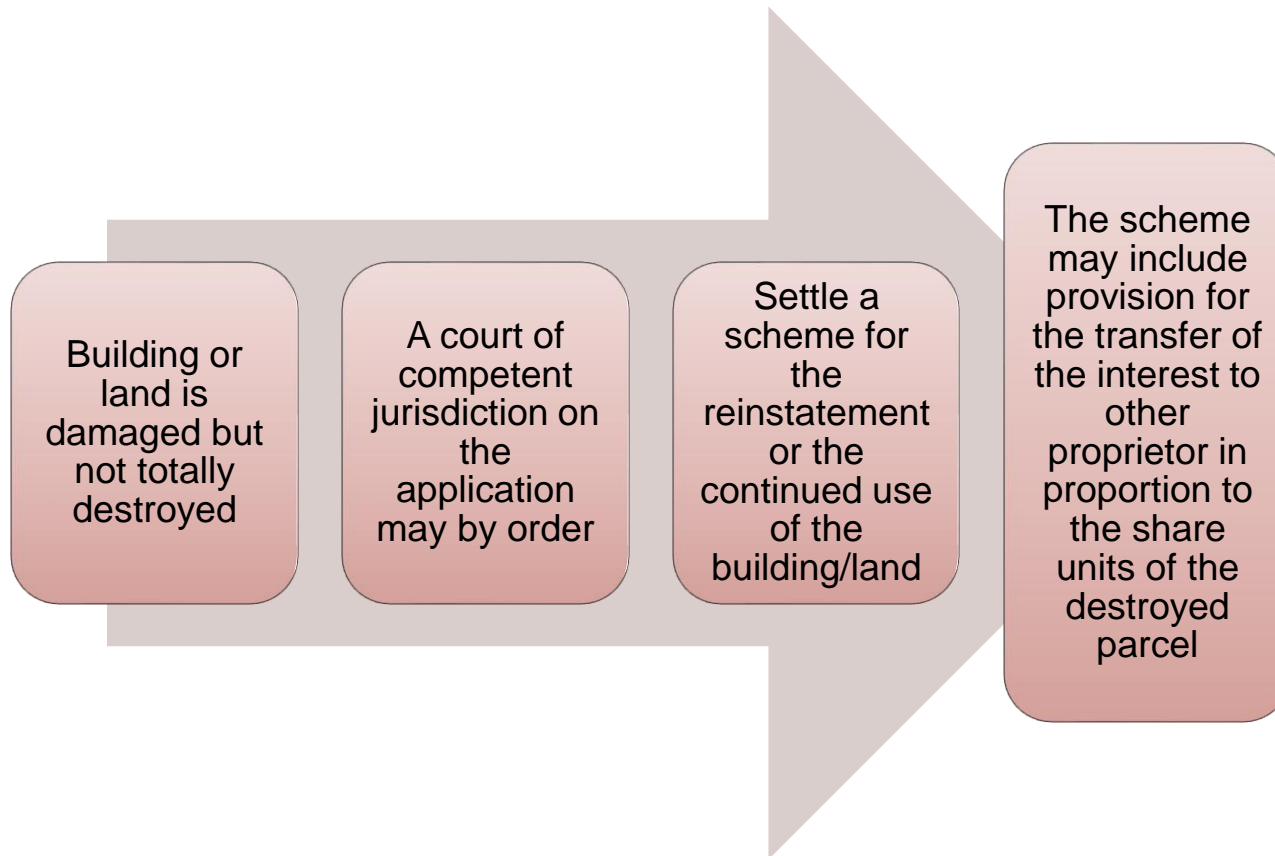
When there is no person who is able to vote in respect of a parcel on the application of the management corporation, the court shall:

- (a) In cases where a unanimous resolution is required
- (b) May, in other case to appoint a Public Trustee or some fit person to exercise the voting power.

Section 56

Power Of Court When Subdivided Building Or Land Is Damaged

56(1)



56(2). Under 56(1), the court may give effect to the scheme by making orders:

- (a) Directing the application of insurance moneys received by the management corporation in respect of damage to the building;
- (b) Directing payment of money by the management corporation or by the parcel proprietors or some or one or more of them;
- (c) Directing such amendment or replacement of the certified strata plan and such consequential amendment or replacement of the strata register.
- (d) Imposing such terms and conditions as the court thinks fit.

Section 57

Termination of Subdivision

57(1)

- Condition for termination: (a) The building totally destroyed, or (b) The parcel proprietor seek to demolish the building or building is partially destroyed, or (c) Only one (1) proprietor for all the parcels
- The MC after making sure that no land revenue is outstanding, may be directed by unanimous resolution to terminate the subdivision and shall lodge with the Registrar a notification in Form 8.

57(2)

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

57(3)

- On making of a memorial in 57(2):
 - (a) The subdivision shall be terminated and the proprietor stop to be the proprietor
 - (b) The MC shall become the proprietor of the lot as the trustee

57(4)

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

57(5)

- The relevant book of the strata register continue in existence regardless the termination of the subdivision and MC shall remains as the proprietor of the lot.

57(6)

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

57(7)

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

57(8)

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

Section 57A

Procedure Of Taking Formal Possession Of Any Subdivided Building Or Land

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

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

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

Section 69

No dealing in accessory parcel independent of a parcel

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

Section 70

No dealing in provisional block

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

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

Section 73

Other rights and remedies not affected by this Act

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

Section 74

Jurisdiction of the Magistrate's Court

Any offence under this Act may be tried in a Magistrate's Court. The Magistrate's Court has power to impose the maximum penalty provided for in this Act notwithstanding the provisions of the Subordinate Courts Act 1948 or any other law.

Section 75

Legal Proceedings

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

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

Section 79

Limitation Act 1953 not to extend to common property

No action shall be brought by any person **claiming title by adverse possession to the common property of a lot or to any accessory parcel or any part** thereof created under this Act. **The Limitation Act 1953 relating to adverse possession shall not extend to such common property and accessory parcel.**

Section 80

Power Of Entry By Public Or Local Authority

A public or local authority which is authorised by any written law for the purposes of **exercising any power conferred on it** may **enter** any other part of that lot if it is necessary to exercise their power.

Section 80A

Prosecution

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

Section 81

Power of State Authority to make rules

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

- a) The fees to be paid for any procedures or functions required or permitted to be done and the remission of such fees
 - aa) The calculation of rent payable for any parcel or provisional block
 - ab) the collection, remission, rebate, payment by instalments, deferment of payment of rent, or any other incidental matters relating to rent of parcel or provisional block and forfeiture.
- b) The types of building or the circumstances to be classified as low cost building.
- c) The types of building or the circumstances to be classified as special building.
- d) The formula for the proposed share units
- e) Any matter in this Act required or permitted to be prescribed or necessary or convenient for carrying out or giving effect to this Act.

Section 81

Power of State Authority to make rules

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

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

Section 82

Transitional Provision

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

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

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

Section 83

Repeal and Amendment of Provisions of National Land Code

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

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

Section 84

Amendment of Forms

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

Section 85

Transitional Provision With Respect To Rules, Orders, Etc.

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

Seventh Schedule

1. Interpretation

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

"the Code" means the National Land Code [Act 56/1965].

Types of acquisition

2. Acquisition of the whole lot with subdivided building or land
3. Acquisition of part of the lot with subdivided building or land
4. Acquisition of common property
5. Acquisition of parcel or provisional block

Seventh Schedule

2. In the case of **Acquisition of the whole lot with subdivided building or land** under Land Acquisition Act 1960

- (a) The MC shall liquidate any assets and distribute any profits to the former proprietors proportionately based on the share units or provisional share units which they held immediately before the taking of formal possession
- (b) The MC shall determine the reasonable period for the MC to continue in existence to settle its affairs;
- (c) The MC shall continue in existence until settle up its affairs
- (d) MC shall inform the Registrar the date of MC ended
- (e) The Registrar shall cancel the relevant book of the strata register

Seventh Schedule

3. In the case of **Acquisition of part of the lot with subdivided building or land** under Land Acquisition Act 1960

- (a) The documents of strata title which not acquired shall continued to be in force
- (b) The Registrar shall endorse the title in continuation of the lot and other relevant entries in the relevant strata register
- (c) A new certified strata plan shall be prepared and inserted in the relevant strata register for the parcel that are not acquired
- (d) The Director shall approve the new proposed share units to the parcel or provisional block not acquired, if equitable, and the Registrar shall endorse the new approved share units in the relevant strata register.

Seventh Schedule

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

- (a) The documents of strata title which not acquired shall continued to be in force
- (b) The Registrar shall endorse the title in continuation of the lot and other relevant entries in the relevant strata register
- (c) The Director of Survey shall endorse on existing certified strata plan-
 - (i) the title in continuation of the lot;
 - (ii) the new certified plan number of the lot; and
 - (iii) the new area of the lot;

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

Seventh Schedule

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

- (a) The affected documents of strata title shall vest in the statutory authority, person or corporation on whose behalf the parcel or provisional block has been acquired; and
- (b) The Registrar shall endorse other relevant entries in the relevant strata register.

5.(2) In the case where part of a parcel is acquired under the Land Acquisition Act 1960, the provision of Part V of this Act shall be applicable with modifications."

LIMITED COMMON PROPERTY (S17A)

Limited Common Property And Subsidiary Management Corporation Allowed [S17A ST(A)A 2013]

(1) The management corporation may designate limited common property and create one or more subsidiary management corporations only for the purpose of representing the different interests of parcel proprietors by way of comprehensive resolution conducted under the Strata Management Act 2013.

Limited Common Property And Subsidiary Management Corporation Allowed [S17A ST(A)A 2013]

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

- (a) describe, identify or define the boundaries or area of the limited common property in the special plan **prepared by a land surveyor**;
- (b) specifies each parcel comprised in that special plan whose proprietors are entitled to the exclusive benefit of the limited common property; and
- (c) conform with any other details as may be **determined** by the Director of Survey.

Limited Common Property And Subsidiary Management Corporation Allowed [S17A ST(A)A 2013]

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

- (a) such fee as may prescribed;
- (b) a copy of the comprehensive resolution together with a certificate signed by the Commissioner certifying the receipt of the same filed with him by the management corporation; and
- (c) a special plan prepared as approved by comprehensive resolution.

Limited Common Property And Subsidiary Management Corporation Allowed [S17A ST(A)A 2013]

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

- (a) advise the Director as to whether the plans are in order; and
- (b) notify the Director of the amount of fees to be collected in respect of such work been done.

Limited Common Property And Subsidiary Management Corporation Allowed [S17A ST(A)A 2013]

(5) The Director shall thereupon if he is satisfied that the application and the other documents presented therewith are in order, accept and issue a certificate that the subsidiary management corporation is a body corporate constituted under this Act on the day specified in the certificate.

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

Perbadanan Pengurusan Subsidiari

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

Perbadanan Pengurusan Subsidiari

- Bagi membantu menyelesaikan masalah tersebut, Akta A1450 telah memperkenalkan seksyen baru 17A kepada AHS yang menyediakan peruntukan berkenaan penetapan harta bersama terhad (*limited common property* (“LCP”)) yang membolehkan sesuatu MC memohon untuk menubuhkan perbadanan pengurusan subsidiari (*subsidiary management corporation* (“sub-MC”)).
- Melalui pindaan tersebut, MC boleh menetapkan LCP dan mewujudkan satu atau lebih sub-MC hanya bagi maksud mewakili kepentingan yang berbeza-beza bagi pemilik-pemilik.

Perbadanan Pengurusan Subsidiari

- LCP ditetapkan oleh MC melalui suatu resolusi komprehensif seperti mana yang diperuntukkan di bawah Akta Pengurusan Strata 2013 [*Akta 757*]. Sempadan- sempadan atau kawasan LCP ditetapkan dalam suatu pelan khas.
- Berdasarkan LCP yang telah ditentukan oleh MC, permohonan bagi penubuhan sub-MC bagi menguruskan LCP tersebut hendaklah dikemukakan kepada Pengarah Tanah dan Galian (“PTG”) Negeri untuk kelulusan.

Perbadanan Pengurusan Subsidiari

Akta 757 menetapkan beberapa tafsiran:

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

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

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

Perbadanan Pengurusan Subsidiari

ii. "ketetapan komprehensif" ertinya suatu ketetapan yang—

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

(b) pada akhir tempoh enam puluh hari selepas mesyuarat agung dalam perenggan (a) itu diadakan, pada suatu pengundian, jumlah unit syer bagi petak yang baginya undi yang sah dikira untuk ketetapan itu adalah sekurang-kurangnya dua pertiga daripada unit syer agregat petak-petak semua pemilik yang membentuk perbadanan pengurusan itu pada akhir tempoh itu.⁹⁴

Perbadanan Pengurusan Subsidiari

- MC boleh memohon menubuhkan sub-MC bagi maksud mewakili kepentingan yang berbeza bagi pemilik tanpa mengambil kira tarikh penubuhan MC.
- Di bawah Akta 757, sub-MC hendaklah terdiri daripada semua pemilik yang berhak menikmati manfaat eksklusif dalam kawasan LCP yang dikhaskan. Mereka hendaklah memilih suatu jawatankuasa pengurusan subsidiari yang bertanggungjawab melaksanakan kewajipan dan urusan sub-MC bagi menjalankan apa-apa kuasa sub-MC. Sub-MC boleh membawa guaman dan dibawa guaman terhadapnya.

Perbadanan Pengurusan Subsidiari

- Sebelum sesuatu sub-MC ditubuhkan, LCP perlulah ditetapkan melalui suatu resolusi komprehensif oleh MC.
- MC akan membuat permohonan dalam Borang 9 bagi kelulusan PTG untuk pengeluaran perakuan sub-MC bagi sesuatu LCP yang ditetapkan.

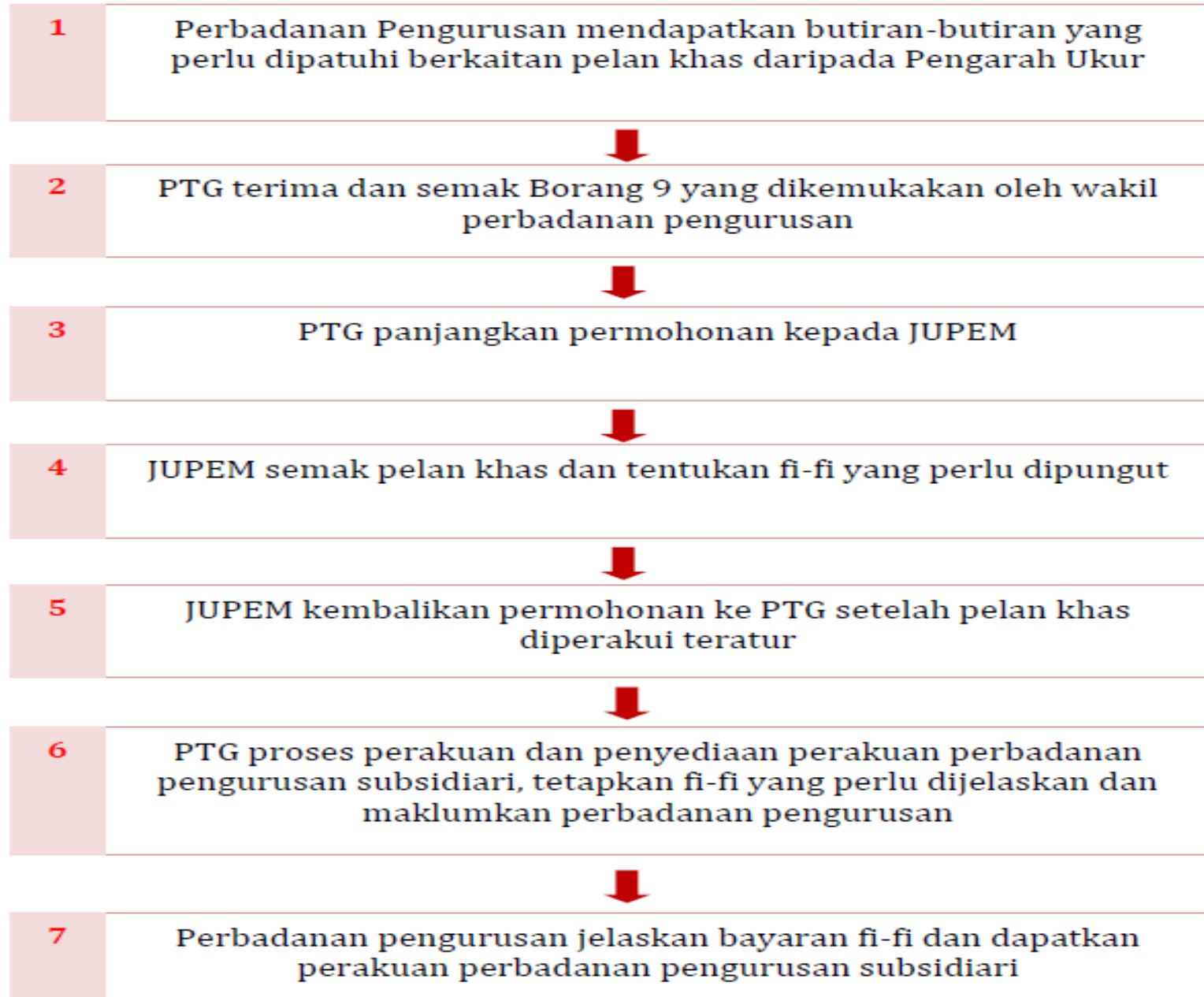
Perbadanan Pengurusan Subsidiari

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

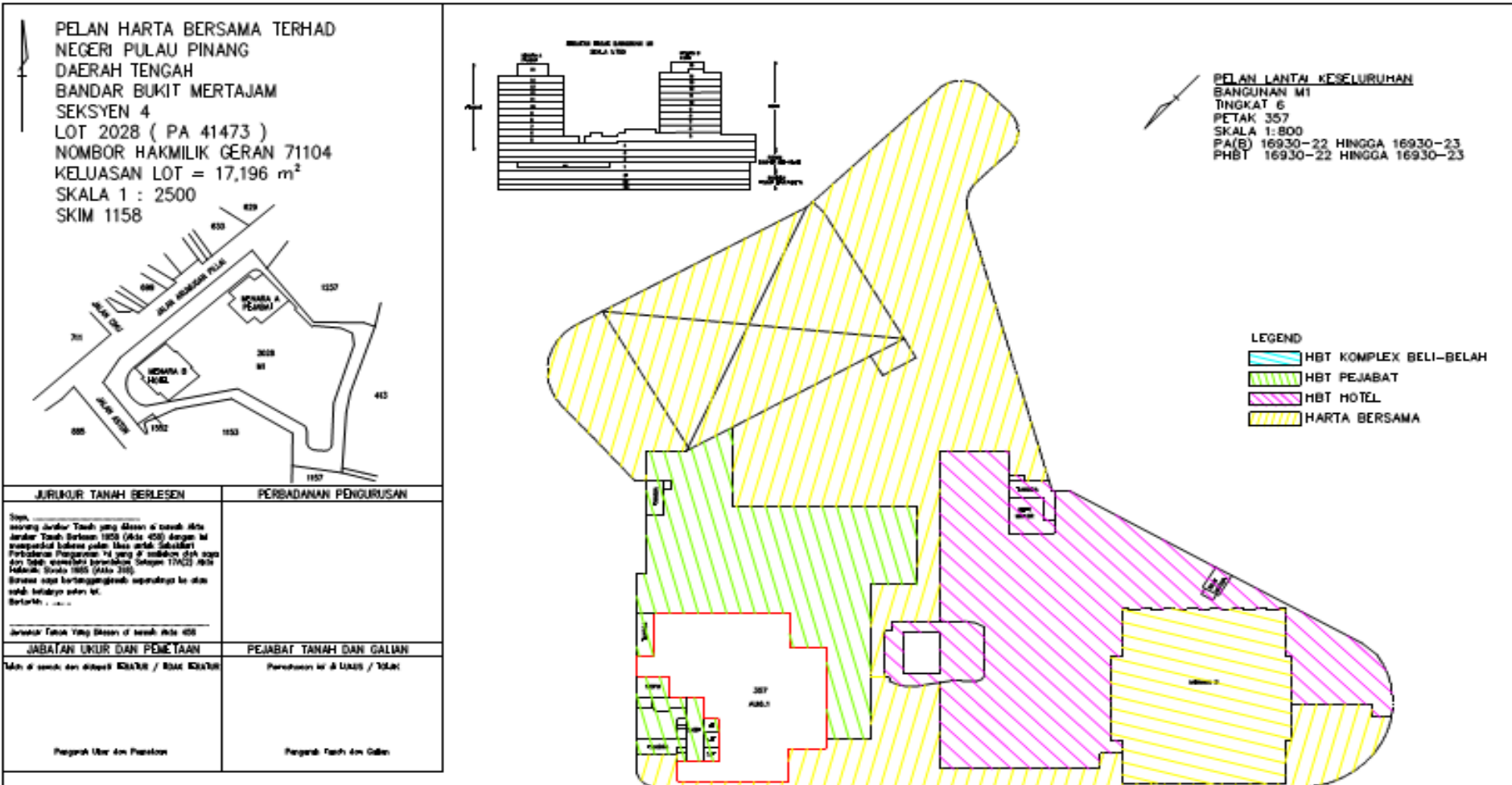
Perbadanan Pengurusan Subsidiari

- Setelah menerima permohonan, PTG hendaklah merujuk permohonan itu kepada Pengarah Ukur. Pengarah Ukur hendaklah menyemak pelan khas dan hendaklah—
 - (a) menasihati PTG sama ada pelan-pelan itu teratur; dan
 - (b) memberitahu PTG tentang amaun fi-fi yang hendak dipungut berkenaan dengan kerja-kerja yang telah dilakukan.
- PTG sekiranya berpuas hati bahawa permohonan itu dan dokumen-dokumen lain yang dikemukakan adalah teratur, menerima dan mengeluarkan satu perakuan bagi memperakui bahawa sub-MC itu adalah suatu pertubuhan perbadanan yang ditubuhkan di bawah AHS pada hari yang dinyatakan dalam perakuan itu.

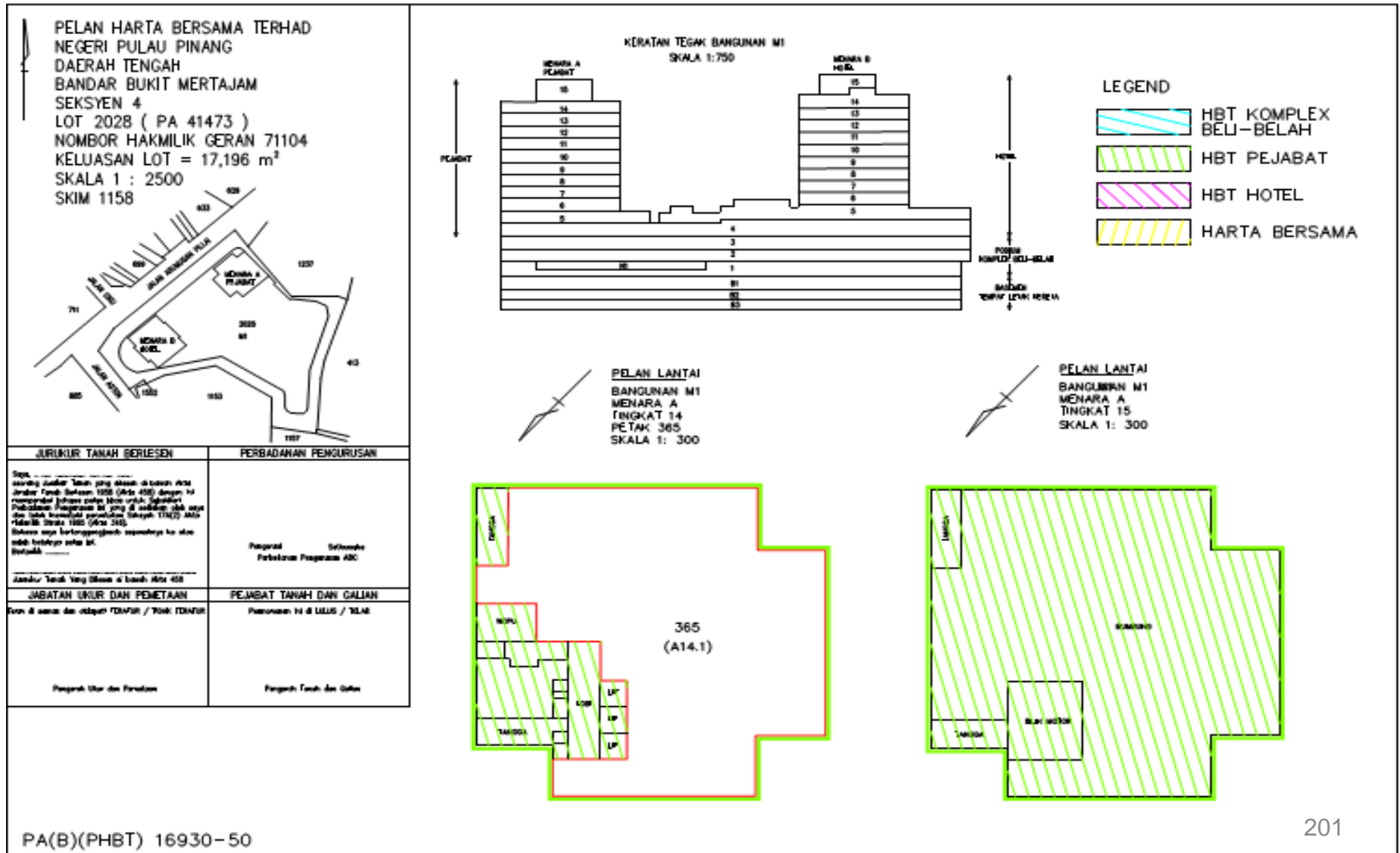
ALIRAN PROSES PERMOHONAN PENUBUHAN PERBADANAN PENGURUSAN SUBSIDIARI



Describe, Identify Or Define The Boundaries Or Area Of The Limited Common Property [S17A(2)(b)]

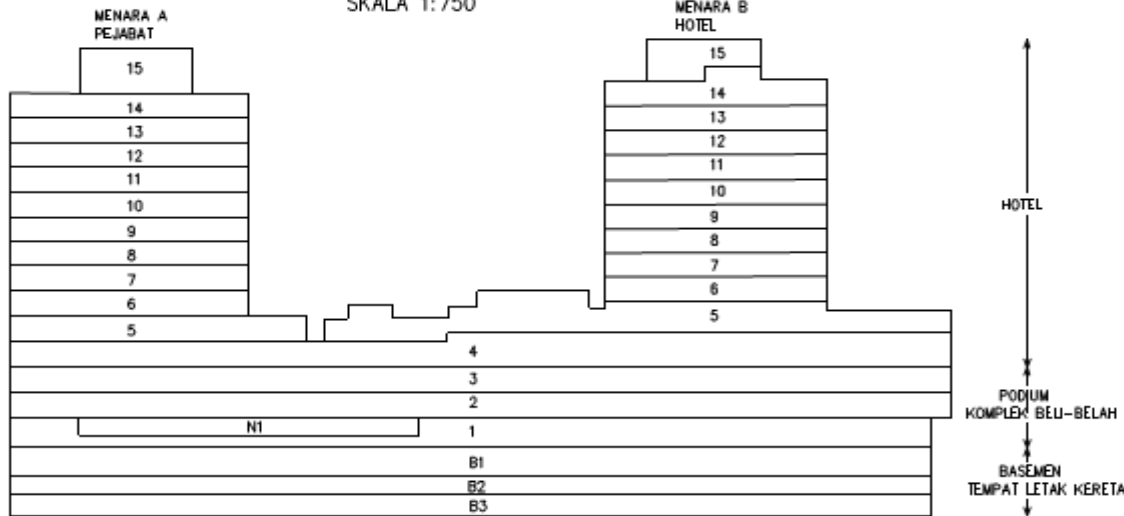


Describe, Identify Or Define The Boundaries Or Area Of The Limited Common Property [S17A(2)(b)]



Describe, Identify Or Define The Boundaries Or Area Of The Limited Common Property [S17A(2)(b)]

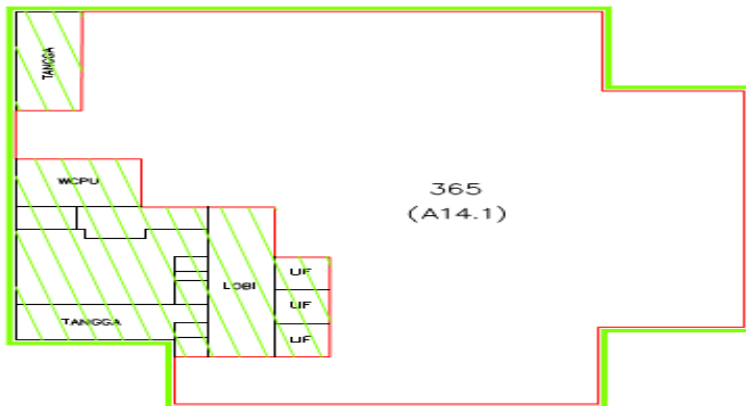
KERATAN TEGAK BANGUNAN M1
SKALA 1:750



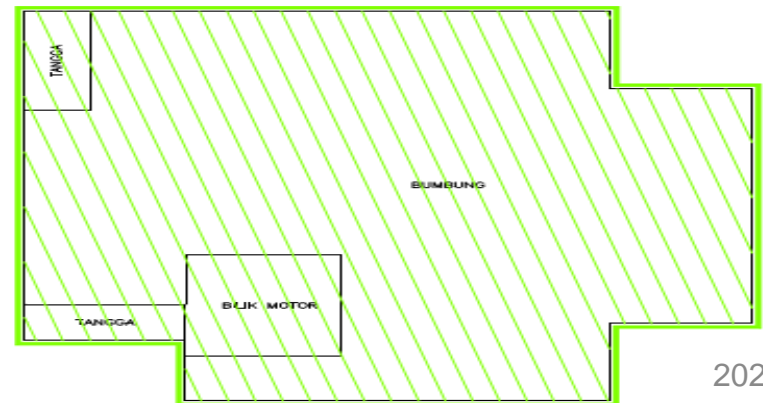
LEGEND

-  HBT KOMPLEX BELI-BELAH
-  HBT PEJABAT
-  HBT HOTEL
-  HARTA BERSAMA

PELAN LANTAI
BANGUNAN M1
MENARA A
TINGKAT 14
PETAK 365
SKALA 1: 300



PELAN LANTAI
BANGUNAN M1
MENARA A
TINGKAT 15
SKALA 1: 300



Sub MC & Parcel Listing [S17A(2)(b) & S65]

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

No. Sub-PP	Jenis Pembangunan	Lokasi	No Petak	Jumlah Petak	Jumlah Unit Syer	% Unit Syer	PA(B)	No. HBT	Lokasi	PHBT
Sub-PP 1	Kompleks Beli-belah	M1 Podium Tingkat B1-B3, 1-4	1-131,133-153, 155-249, 251-316, 318-353	340	86,370	62.62	16930-01 ke 21	HBT 1	M1 Podium Tingkat B1-B3, 1-4	16930-01 ke 21
Sub-PP 2	Pejabat	M1 Menara A Tingkat B1-B3, 1-15	354,355, 357-365	11	16,048	11.64	16930-01 ke 28	HBT 2	M1 Menara A Tingkat B1-B3, 1-15	16930-01 ke 28
Sub-PP 3	Hotel	M1 Menara B Tingkat B1-B3, 1-15	132, 154, 250, 317, 356	5	35,509	25.74	16930-01 ke 21 16930-29 ke 35	HBT 3	M1 Menara B Tingkat B1-B3, 1-15	16930-01 ke 21 16930-29 ke 35
3 Sub-PP	3 Jenis	Jumlah		356	137,927	100 %				

Jadual Petak dalam Sub-PP 1 (Kompleks Beli-belah) Unit Syer = 86,370

No. Alamat	No. Petak	Unit Syer
B1.01	1	31,150
B1.02	2	329
.....
.....
.....
.....
LIHAT PHBT 16930-39		
KE 16930-45		
.....
.....
.....
3.17	352	108
3A.01	353	189

Jadual Petak dalam Sub-PP 2 (Pejabat) Unit Syer = 16,048

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

Jadual Petak dalam Sub-PP 3 (Hotel) Unit Syer = 35,509

No. Alamat	No. Petak	Unit Syer
B1.01	132	24
B1.02	154	45
LG.01	250	24
LG.02	317	27
LG.03	356	66

Sub MC & Parcel Listing [S17A(2)(b)]

PELAN HARTA BERSAMA TERHAD
NEGERI PULAU PINANG
DAERAH TENGAH
BANDAR BUKIT MERTAJAM
SEKSYEN 4
LOT 2028 (PA 41473)
NOMBOR HAKMILIK GERAN 71104
KELUASAN LOT = 17,196 m²
SKALA 1 : 2500
SKIM 1158



Jadual Petak dalam Sub-PP 1 (Komplek Bell-belah) Unit Syer = 86,370

No. Alamat	No. Petak	Unit Syer
BL.01	1	31,150
BL.02	2	329
LG.01	3	144

Jadual Petak dalam Sub-PP 1 (Komplek Bell-belah) Unit Syer = 86,370

No. Alamat	No. Petak	Unit Syer
LG.49	51	75
LG.50	52	90
LG.51	53	95

Jadual Petak dalam Sub-PP 1 (Komplek Bell-belah) Unit Syer = 86,370

No. Alamat	No. Petak	Unit Syer
G.29	101	85
G.30	102	80
G.31	103	77

Jadual Petak dalam Sub-PP 1 (Komplek Bell-belah) Unit Syer = 86,370

No. Alamat	No. Petak	Unit Syer
1.15	151	89
1.16	152	129
1.17	153	42

Jadual Petak dalam Sub-PP 1 (Komplek Bell-belah) Unit Syer = 86,370

No. Alamat	No. Petak	Unit Syer
1.65	201	89
1.66	202	5426
1.67	203	21

JURUKUR TANAH BERLESEN

PERBADANAN PENGURUSAN

Saya, _____
Jurukur Tanah yang Ditunjuk di bawah Akta
Jurukur Tanah Berlesen 1959 (Mata 438) dengan ini
menyatakan bahawa saya telah selesai menjalankan
Pekerjaan Pengukuran ini yang diarahkan oleh saya
dan telah diserahkan kepada _____ sebagai (TAM) AMK
Kawasan Skema 1158 (Mata 318).
Sila rujuk juga terdapatnya perincian ke atas
saya sebagai berikut pada ini.
Ditandatangani pada ini.
Tandatangan _____

Finger
Perbadanan Pengurusan ABC

JABATAN UKUR DAN PEMETAAN

PEJABAT TANAH DAN GALIAN

Feld di ukur dan dipapil TUKUR / TANAH KEMER.

Perbaikan ini di UJUS / TUKUR.

Finger dan Tanah

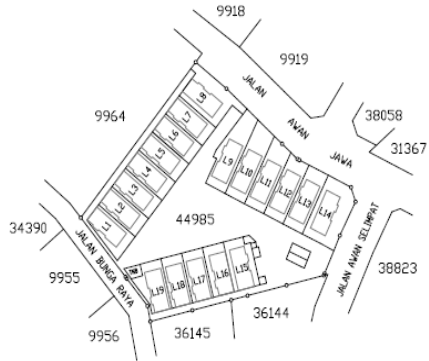
Finger Tanah dan Galian

LAND PARCELS WITH SHARED BASEMENT

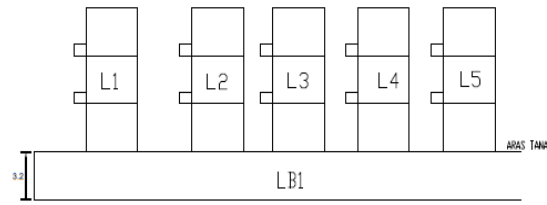
Land Parcels With Shared Basement

- ❑ Optimization of land use through space saving design.
- ❑ Shared basement with accessory parcels and common property.

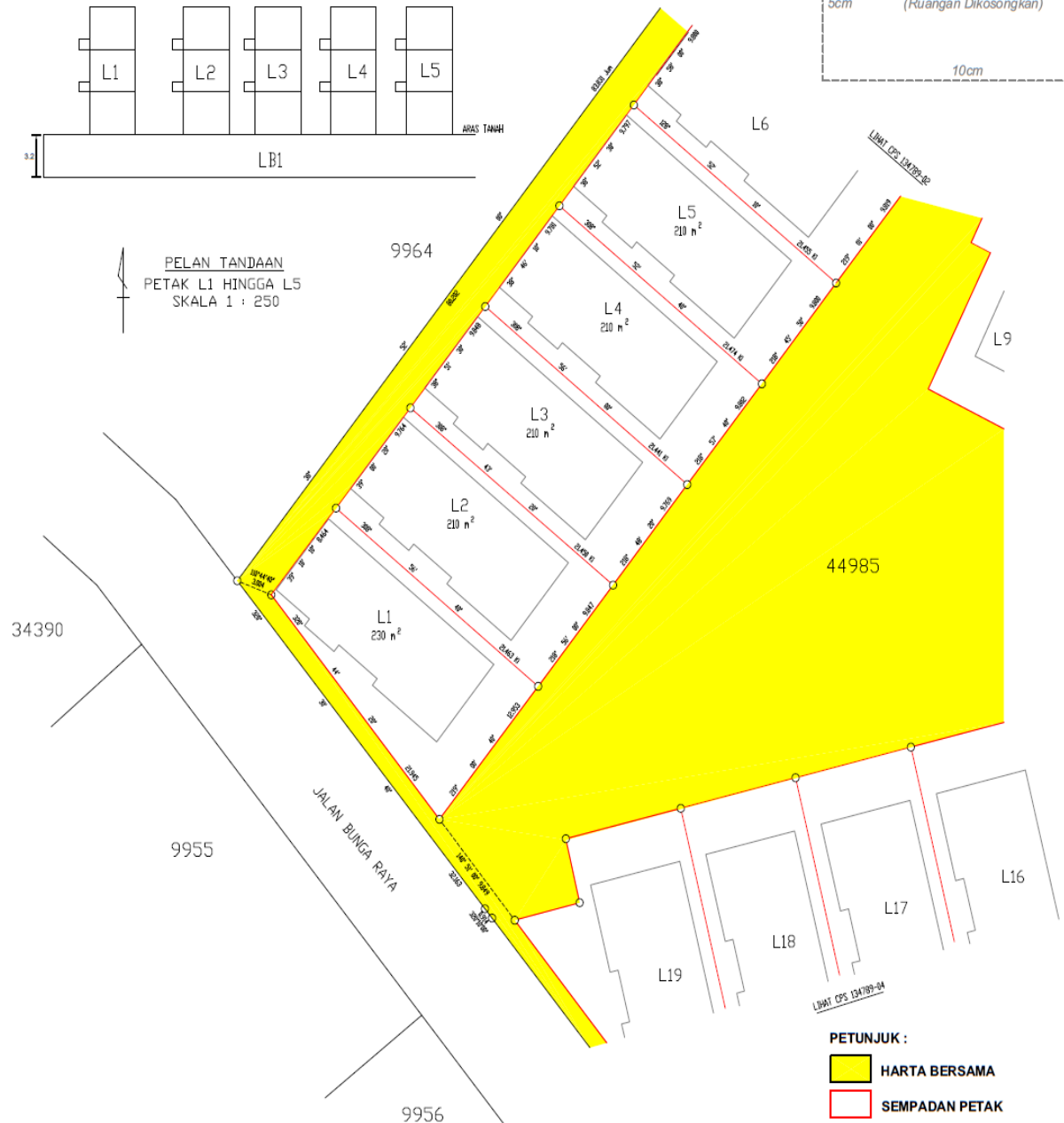
CADANGAN PELAN STRATA
 PECAH BAHAGI TANAH
 WILAYAH PERSEKUTUAN KUALA LUMPUR
 MUKIM PETALING
 LOT 44985 (PA 121843)
 NOMBOR HAKMILIK : GRN 68517
 KELUASAN LOT : 7740m²
 NOMBOR SKIM 1347
 SKALA 1:2000





KERATAN TEGAK B1
 SKALA 1:500



PELAN TANDAAN
 PETAK L1 HINGGA L5
 SKALA 1 : 250



PETUNJUK :
 HARTA BERSAMA
 SEMPADAN PETAK

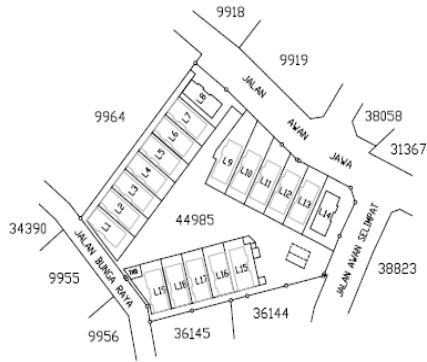
Saya, seorang Jurujuk Tanah yang dilesenkan di bawah Akta Jurujuk Tanah Berlesen 1958 [Akta 458], memperakui menurut subperenggan 8A(1)(d)(i), (ii), (iii) dan (iv) Akta Hakmilik Strata 1985 [Akta 318] bahawa-

- (i) saya telah membuat perbandingan pelan ini dengan pelan bangunan yang diluluskan yang disediakan oleh arkitek atau jurutera profesional yang bertanggungjawab atas pembinaannya dan bahawa pelan ini adalah menepati pelan tersebut;
- (ii) dalam hal pelan tingkat, bahawa sempadan petak-petak yang ditunjukkan di atasnya mengikut ciri-ciri pembinaan tetap yang terdapat dalam bangunan itu;
- (iii) bangunan-bangunan adalah terletak keseluruhannya dalam sempadan lot mukim ; dan
- (iv) setiap petak yang dicadangkan itu mempunyai-
 (A) jalan masuk yang memadai yang tidak melintasi suatu petak yang lain; dan
 (B) jalan perhubungan dalaman yang memadai yang tidak melintasi harta bersama;

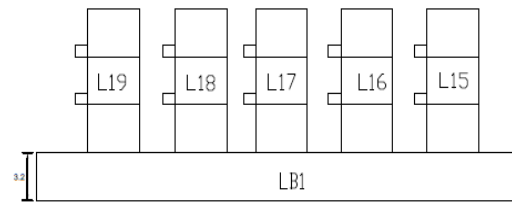
Bertarikhharibulan 20....

Juruujuk Tanah yang dilesenkan di Bawah Akta 458

CADANGAN PELAN STRATA
 PECAH BAHAGI TANAH
 WILAYAH PERSEKUTUAN KUALA LUMPUR
 MUKIM PETALING
 LOT 44985 (PA 121843)
 NOMBOR HAKMILIK : GRN 68517
 KELUASAN LOT : 7740m²
 NOMBOR SKIM 1347
 SKALA 1:2000



KERATAN TEGAK B1
 SKALA 1:500

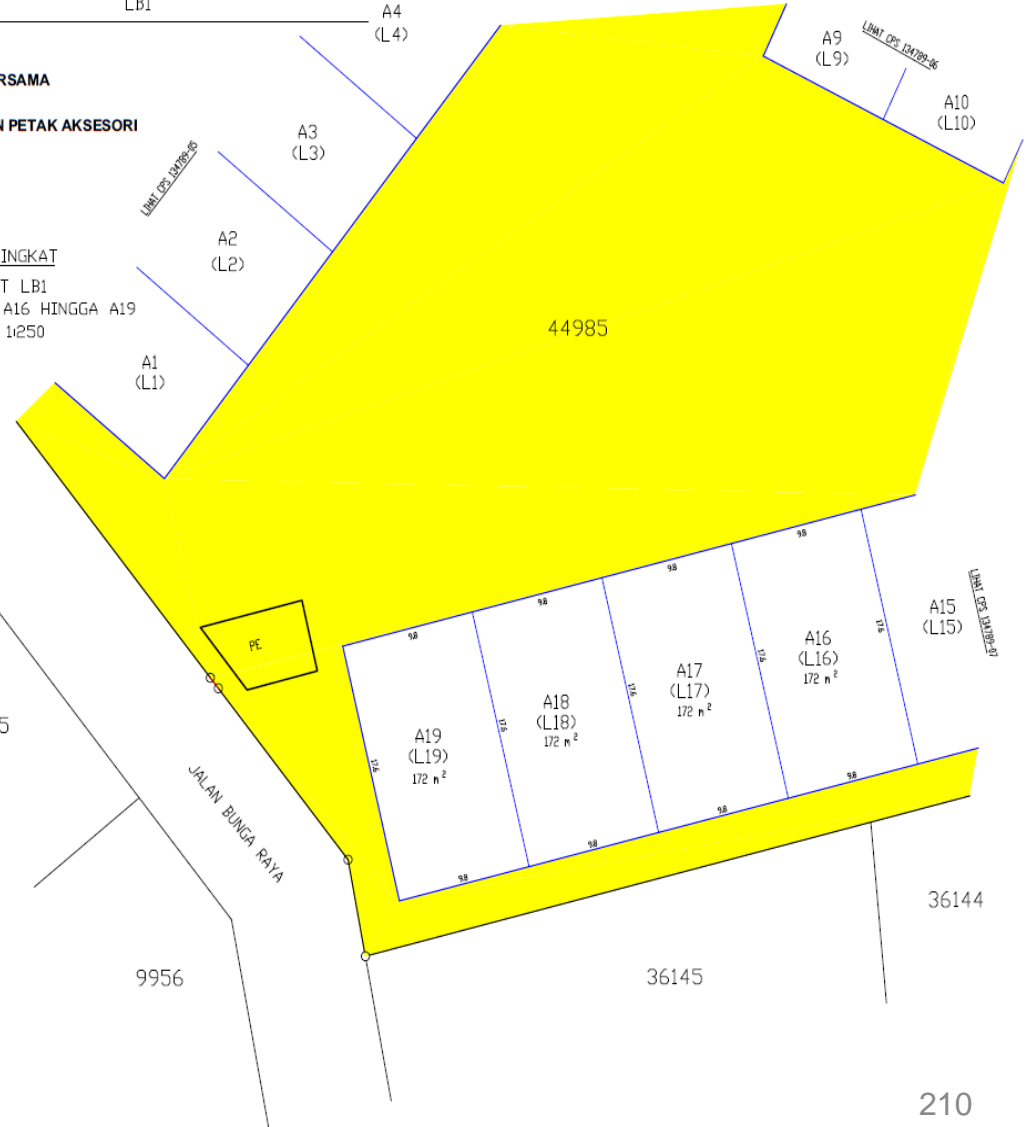


PETUNJUK :

- HARTA BERSAMA
- SEMPADAN PETAK AKSESORI

PELAN TINGKAT

TINGKAT LB1
 PETAK AKSESORI A16 HINGGA A19
 SKALA 1:250



Saya, seorang Juruukur Tanah yang dilesenkan di bawah Akta Juruukur Tanah Berlesen 1958 [Akta 458], memperakui menurut subperenggan 8A(1)(d)(i), (ii), (iii) dan (iv) Akta Hakmilik Strata 1985 [Akta 318] bahawa-

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- (ii) dalam hal pelan tingkat, bahawa sempadan petak-petak yang ditunjukkan di atasnya mengikuti ciri-ciri pembinaan tetap yang terdapat dalam bangunan itu;
- (iii) bangunan-bangunan adalah terletak keseluruhannya dalam sempadan lot mukim ; dan
- (iv) setiap petak yang dicadangkan itu mempunyai-
 (A) jalan masuk yang memadai yang tidak melintasi suatu petak yang lain; dan
 (B) jalan perhubungan dalaman yang memadai yang tidak melintasi harta bersama;




Bertarikhharibulan 20....

Juruukur Tanah yang dilesenkan di Bawah Akta 458

Provisional Block For Land Parcels

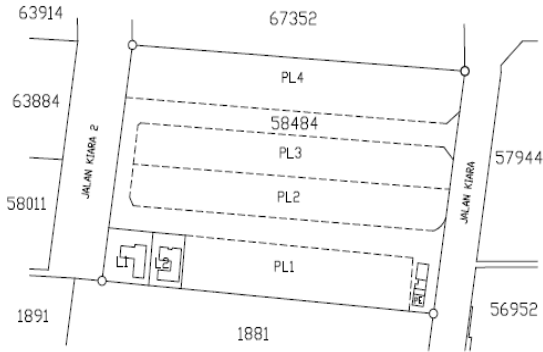
- Provisional Block allowed for land parcels.
- Land parcels only for completed buildings.
- Minimum 2 land parcels.

CADANGAN PELAN STRATA
 PECAH BAHAGI TANAH
 WILAYAH PERSEKUTUAN KUALA LUMPUR
 MUKIM BATU
 LOT 58484 (PA 43400)
 NOMBOR HAKMILIK : GRN 7991
 KELUASAN LOT : 22729m²
 NOMBOR SKIM 2222
 SKALA 1:2000

PETUNJUK :
 HARTA BERSAMA
 SEMPADAN PETAK
 BLOK SEMENTARA

PELAN TANDAAN
 PETAK L1, L2 DAN
 BLOK SEMENTARA PL1 HINGGA PL4
 SKALA 1 : 500

5cm (Ruangan Dikosongkan)
 10cm



Saya seorang Juruukur Tanah yang dilesenkan di bawah Akta Juruukur Tanah Berlesen 1958 [Akta 458], memperakui menurut subperenggan 8A(1)(d)(i), (iii), (iv) dan (v) Akta Hakmilik Strata 1985 [Akta 318] bahawa-

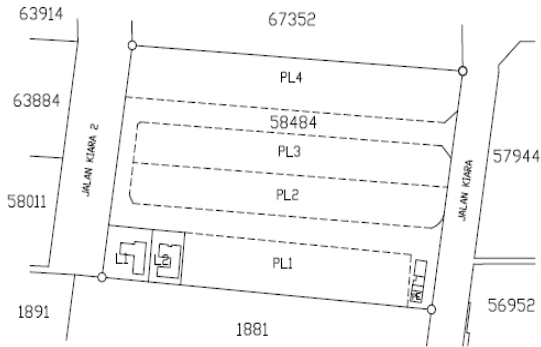
- (i) saya telah membuat perbandingan pelan ini dengan pelan bangunan yang diluluskan yang disediakan oleh Arkitek Profesional atau Jurutera Profesional yang bertanggungjawab atas pembinaannya dan bahawa pelan ini adalah menepati pelan tersebut;
- (ii) (tidak berkenaan);
- (iii) bangunan-bangunan adalah terletak keseluruhan dalam sempadan lot mukim
- (iv) setiap petak yang dicadangkan itu mempunyai-
 - (A) jalan masuk yang memadai yang tidak melintasi suatu petak yang lain; dan
 - (B) jalan perhubungan dalaman yang memadai yang tidak melintasi harta bersama; dan
- (v) kedudukan setiap blok sementara sebagaimana yang ditandakan di atas pelan lokasi adalah keseluruhannya dalam sempadan lot yang berkenaan.

Bertarikh haribulan 20.....

Juruukur Tanah yang dilesenkan di bawah Akta 458

LIHAT CPS 222222-02

CADANGAN PELAN STRATA
 PECAH BAHAGI TANAH
 WILAYAH PERSEKUTUAN KUALA LUMPUR
 MUKIM BATU
 LOT 58484 (PA 43400)
 NOMBOR HAKMILIK : GRN 7991
 KELUASAN LOT : 22729m²
 NOMBOR SKIM 2222
 SKALA 1:2000



Saya, seorang Juruukur Tanah yang dilesenkan di bawah Akta Juruukur Tanah Berlesen 1958 [Akta 458], memperakui menurut subperenggan 8A(1)(d)(i), (ii), (iv) dan (v) Akta Hakmilik Strata 1985 [Akta 318] bahawa-

- (i) saya telah membuat perbandingan pelan ini dengan pelan bangunan yang diluluskan yang disediakan oleh Arkitek Profesional atau Jurutera Profesional yang bertanggungjawab atas pembinaannya dan bahawa pelan ini adalah menepati pelan tersebut;
- (ii) (tidak berkenaan);
- (iii) bangunan-bangunan adalah terletak keseluruhan dalam sempadan lot mukim
- (iv) setiap petak yang dicadangkan itu mempunyai-
 - (A) jalan masuk yang memadai yang tidak melintasi suatu petak yang lain; dan
 - (B) jalan perhubungan dalaman yang memadai yang tidak melintasi harta bersama; dan
- (v) kedudukan setiap blok sementara sebagaimana yang ditandakan di atas pelan lokasi adalah keseluruhannya dalam sempadan lot yang berkenaan.

Bertarikh haribulan 20....

Juruukur Tanah yang dilesenkan di bawah Akta 458

PETUNJUK :

- HARTA BERSAMA
- BLOK SEMENTARA
- PE PENCAWANG ELEKTRIK
- TEL TELEFON

PELAN TANDAAN
 BLOK SEMENTARA PL1 HINGGA PL4
 SKALA 1 : 500

5cm (Ruangan Dikosongkan)

10cm

LIHAT CPS 222222-01



Strata Titles (Amendment) Act 2016 [Act A1518]

Sejarah / History

1 APRIL 2016	28 APRIL 2016	26 MEI & 20 JUN	31 OGOS 2016	9 SEPTEMBER 2016	1 JANUARI 2017
JEMAAH MENTERI	MAJLIS TANAH NEGARA	PARLIMEN	PERKENAN DYMM SPB YDP AGONG	WARTA AKTA PINDAAN	WARTA TARIKH KUATKUASA
Kelulusan Rang Undang- Undang	Kelulusan Rang Undang- Undang	Kelulusan Dewan Rakyat dan Dewan Negara	Kelulusan untuk mewartakan pindaan AHS 1985	Akta Hakmilik Strata (Pindaan) 2016	YB Menteri NRE
Approval of Bill	Approval of Bill	Approval of Lower House and Upper Of The Parliament	Approval for Gazette of STA 1985 amendment	Gazetted of ST(A) Act 2016	Commence- ment date

4 Skop Pindaan / 4 Scope Of Amendment

Cukai Parcel
Petak Rent

**Special
Building**
Bangunan
Khas

Pindaan
Berbangkit Pasca
Pengambilan

**Amendment
Arises for post
acquisition**

**Value added
etc.**

Penambahbaikan
Lain

Perundangan Berkaitan / Related Legislation

**National
Land Code**

KANUN TANAH
NEGARA

**Land
Acquisition
Act 1960**

AKTA
PENGAMBILAN
TANAH 1960

**Strata
Titles Act
1985**

AKTA
HAKMILIK
STRATA 1985

Jumlah Pindaan / Total Of Amendments

Amendment of the form
through Ministry order

Amendment of the Act

PINDAAN AKTA

43 Sections

- 23 of sections
- 19 new sections
- 1 section repeal

43 SEKSYEN

- Pindaan kepada 23 Seksyen
- 19 seksyen baharu
- Pemotongan 1 seksyen

3 BAHAGIAN BAHARU

3 new Parts

1 JADUAL BAHARU

1 new Table

PINDAAN BORANG MELALUI
PERINTAH MENTERI

First Schedule

1

- 9 forms amendment
- 2 new forms

JADUAL PERTAMA

- Pindaan kepada 9 Borang
- 2 Borang Baharu

JADUAL KELIMA

- Pindaan kepada 4 Borang

Fifth Schedule

- 5 forms amendment

Sixth Schedule

- 4 forms amendment

JADUAL KEENAM

- Pindaan kepada 4 Borang

Pindaan Berkaitan / Related Amendments

NEW PART VIIIA **BAHAGIAN VIIIA BAHARU**

SEKSYEN 57A

*Tatacara Mengambil Milik
Formal Mana-Mana
Bangunan Strata*

Section 57A

**Procedure taking formal
possession of any subdivided
building or land**

JADUAL KETUJUH

*Kesan Pengambilan
Bangunan Strata*

Seventh Schedule

**Effect of acquisition of
building or land**

Konsep Asas Bayaran Cukai Tanah / Basis Concept Of Quit Rent Payment

SEBELUM PINDAAN

BEFORE AMENDMENT



1

Quit Rent
CUKAI TANAH

2

KEWAJIPAN BAYAR CUKAI TANAH ADALAH
PERBADANAN PENGURUSAN

**Management Corporation is
responsible to pay the quit rent**

3

PEMILIK PETAK BAYAR KEPADA PERBADANAN
PENGURUSAN BERDASARKAN UNIT SYER

**Parcel owner pay to management
corporation according to share unit**

Isu Yang Timbul / Related Issues Arise

Owner reluctant to
pay the portion of
quit rent

Management
Corporation not
function

DEALING OF PARCEL
URUSNIAGA
PETAK

PEMILIK DEGIL
UNTUK
JELASKAN
UMPUKAN
CUKAI TANAH

PERBADANAN
PENGURUSAN
TIDAK
BERFUNGSI

SECTION 301

SEKSYEN 301A

KANUN TANAH NEGARA

**NATIONAL LAND CODE – Rents
to be paid**

Have to wait
until all owner
settled quit
rent only
allow to do
any dealing

TUNGGU
SEMUA
PEMILIK
JELASKAN
CUKAI UNTUK
URUSNIAGA

Konsep Asas Bayaran Cukai Tanah / Basis Concept Of Quit Rent Payment

SELEPAS PINDAAN

AFTER AMENDMENT

Quit rent replaced by Parcel rent

1

CUKAI PETAK GANTI CUKAI TANAH

Compulsory to pay parcel rent by parcel owner

2

**KEWAJIPAN BAYAR CUKAI PETAK ADALAH
KEPADA PEMILIK PETAK**

Parcel owner want perform dealing after settled parcel rent

3

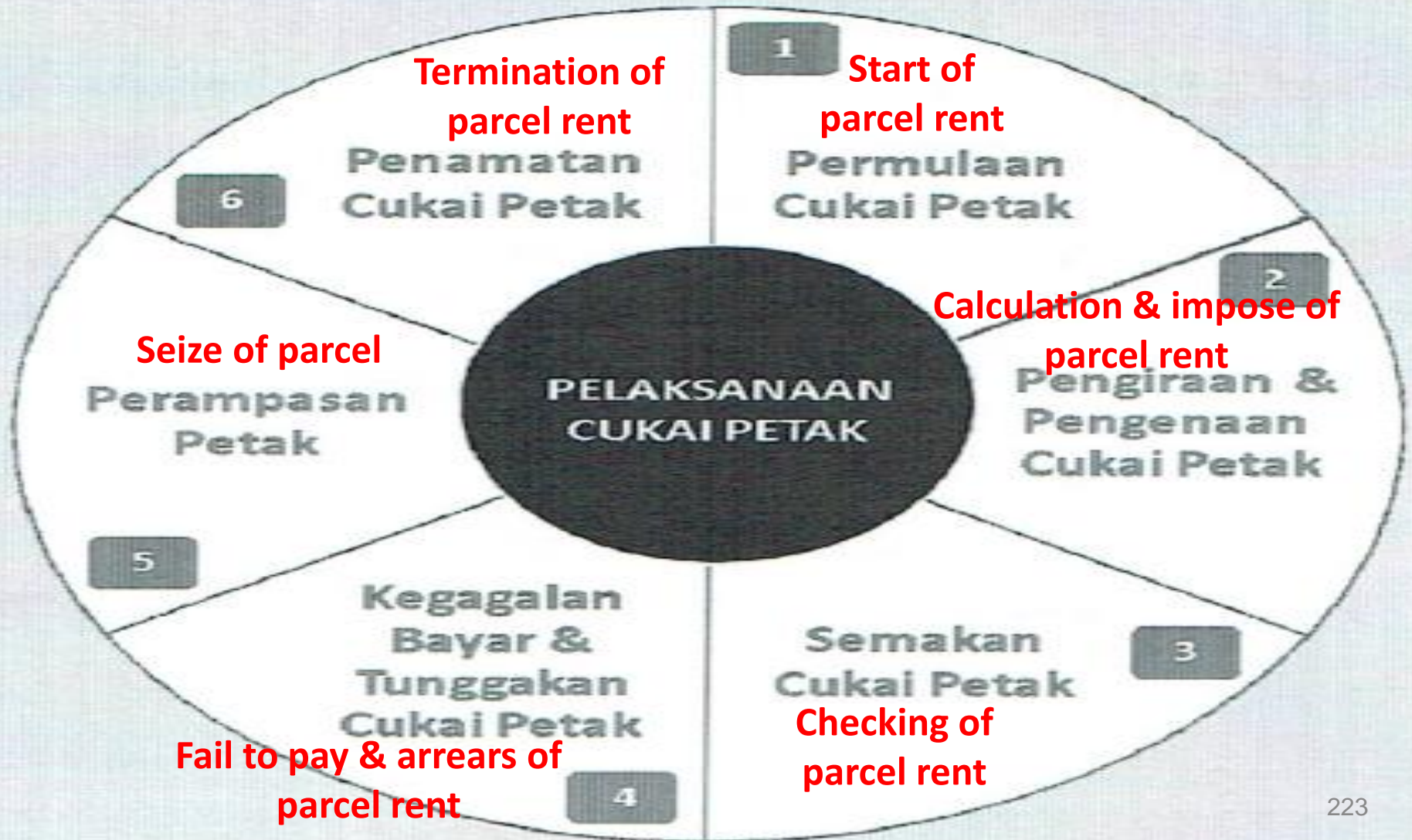
**PEMILIK PETAK BOLEH LAKSANA URUSNIAGA
BILA CUKAI PETAK DIBAYAR**

4

TIADA 'DOUBLE TAXATION'



Elemen Cukai Petak / Element Of Parcel Rent



Pindaan Seksyen 4 / Amendment Of Section 4

Amended to introduce a new definition of rent of parcel or provisional block

- **Dipinda bagi memperkenalkan definisi baru cukai bagi petak atau blok sementara.**
- **Dihubungkan dengan seksyen 5 KTN bagi membolehkan cukai petak diiktiraf sebagai cukai di bawah KTN dan urusan-urusan berkaitan petak boleh dilaksanakan selaras dengan peruntukan KTN. (i.e: seksyen 301A KTN).**

Link with section 5 in NLC to enable parcel rent to be recognised as rent under NLC and dealings related to parcel can impose concurrent with provision under NLC (i.e. section 301A NLC).

Seksyen 4C Baharu / New Section 4C

Introduce a new section 4C for the purpose of impose of parcel rent

➤ **Memperkenalkan seksyen 4C baharu bagi tujuan pelaksanaan cukai petak;**

Impose of Part IVA (collection of Rent) upon parcel rent enforce that

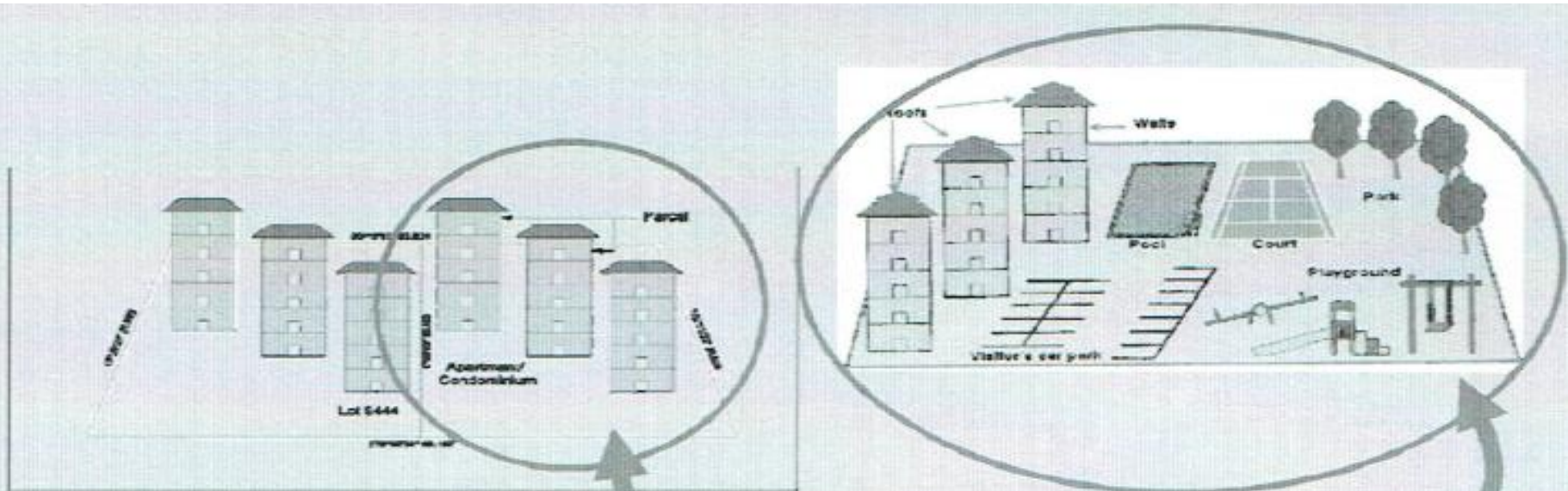
➤ **Pengenalan Bahagian IVA (*Collection of Rent*) apabila cukai petak berkuat kuasa yang memperuntukkan prosedur bagi pelaksanaan cukai petak; dan**

allocated procedure for implementation of parcel rent (S23A – S23J);

➤ **and** **Memperuntukkan prosedur bagi tindakan perampasan akibat kegagalan membayar cukai petak melalui pengenalan Bahagian IVB (*Forfeiture and Vesting*).**

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

Skop Pengambilan / Scope Of Acquisition



Acquisition of the whole lot

Pengambilan keseluruhan skim

Acquisition of part of the lot

Pengambilan sebahagian skim

Acquisition of parcel or provisional block

Pengambilan petak/blok sementara

Acquisition of common property

Pengambilan harta bersama

INTIPATI PINDAAN **INSIGHT OF THE AMENDMENT**

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

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

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

✓ **PENGAMBILAN HARTANAH BERSTRATA (BAHAGIAN**

VIIIA – S.57A & JADUAL KETUJUH)

- **Acquisition of the whole lot with subdivided building or land**
Pengambilan keseluruhan lot dengan bangunan atau tanah yang dipecah bahagi
- **Acquisition of part of the lot with subdivided building or land**
Pengambilan sebahagian lot dengan bangunan atau tanah yang dipecah bahagi
- **Acquisition of common property**
Pengambilan harta bersama
- **Acquisition of parcel or provisional block**
Pengambilan petak atau blok sementara

Pengambilan keseluruhan lot dengan bangunan atau tanah yang dipecah bahagi

Acquisition of the whole lot with subdivided building or land



JADUAL KETUJUH (SEKSYEN 57A) KESAN PENGAMBILAN BANGUNAN ATAU TANAH YANG DIPECAH BAHAGI

Pengambilan keseluruhan lot dengan bangunan atau tanah yang dipecah bahagi

- Perbadanan pengurusan hendaklah mencairkan apa-apa aset dan membahagikan apa-apa keuntungan kepada bekas pemilik berkadaran berdasarkan unit syer atau unit syer sementara yang dipegang oleh bekas pemilik itu sebaik sebelum diambil milik secara formal;
- Perbadanan pengurusan hendaklah menentukan tempoh masa yang munasabah bagi perbadanan pengurusan terus wujud untuk menyelesaikan hal ehwalnya;

JADUAL KETUJUH (SEKSYEN 57A) KESAN PENGAMBILAN BANGUNAN ATAU TANAH YANG DIPECAH BAHAGI

- Perbadanan pengurusan hendaklah terus wujud untuk seberapa lama yang munasabah untuk menyelesaikan hal ehwalnya dan hendaklah kemudian terhenti kewujudannya;
- Perbadanan pengurusan hendaklah memaklumkan Pendaftar tarikh yang perbadanan pengurusan itu hendaklah terhenti kewujudannya; dan
- Pendaftar hendaklah membatalkan buku daftar strata yang berkaitan.

SEVENTH SCHEDULE (SECTION 57A) EFFECT OF ACQUISITION OF SUBDIVIDED BUILDING OR LAND

Acquisition of the whole lot with subdivided building or land

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

- The management corporation shall determine the reasonable period for the management corporation to continue in existence to settle its affairs;

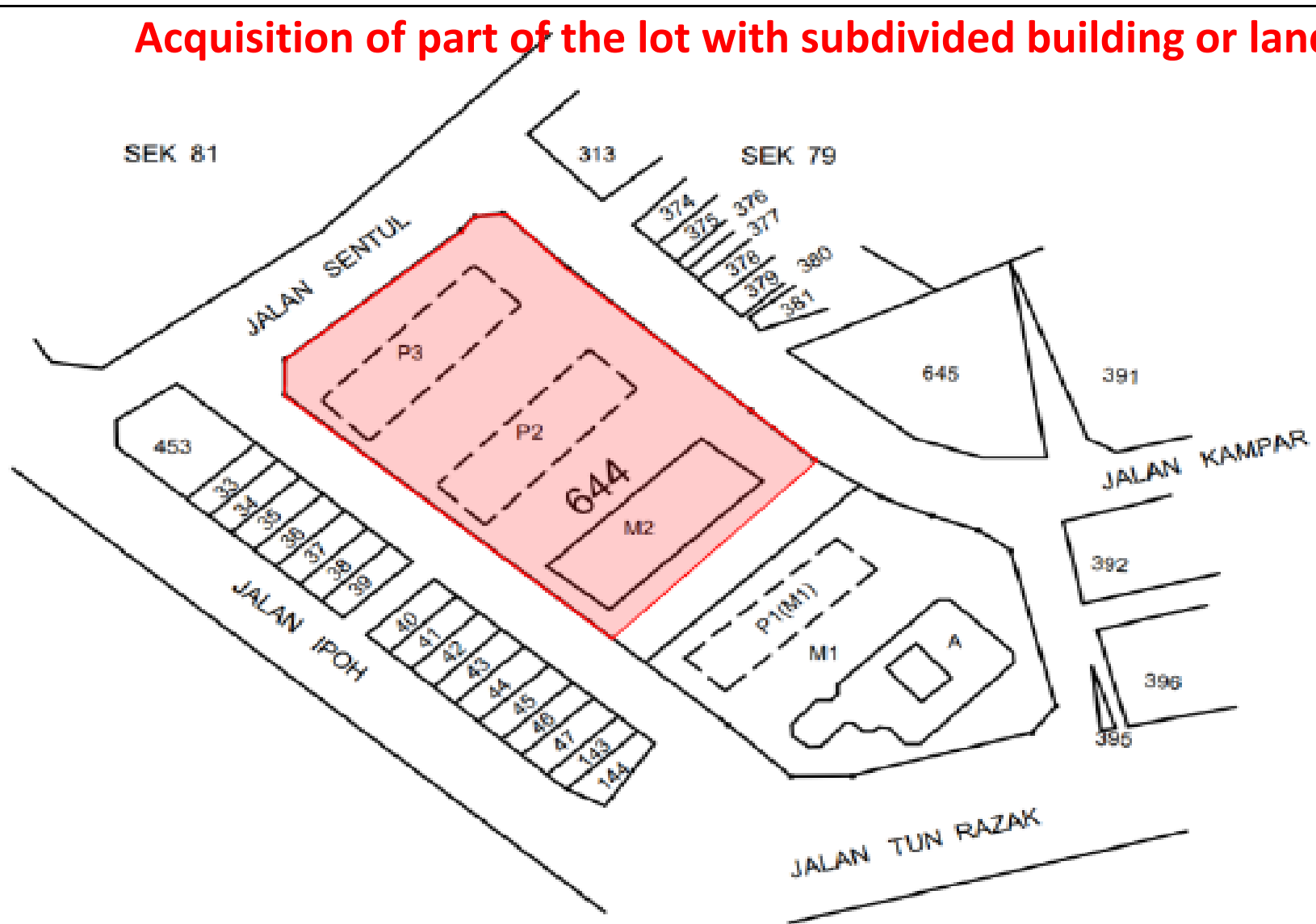
SEVENTH SCHEDULE (SECTION 57A)

EFFECT OF ACQUISITION OF SUBDIVIDED BUILDING OR LAND

- The management corporation shall continue in existence for so long as it is reasonably necessary to settle its affairs and shall then cease to exist;
- The management corporation shall inform the Registrar the date that the management corporation shall cease to exist; and
- The Registrar shall cancel the relevant book of strata register.

Pengambilan sebahagian lot dengan bangunan atau tanah yang dipecah bahagi

Acquisition of part of the lot with subdivided building or land



JADUAL KETUJUH (SEKSYEN 57A) KESAN PENGAMBILAN BANGUNAN ATAU TANAH YANG DIPECAH BAHAGI

Pengambilan sebahagian lot dengan bangunan atau tanah yang dipecah bahagi

- Dokumen hakmilik strata yang masih wujud berkaitan dengan petak atau blok sementara yang tidak diambil hendaklah dikekalkan dan terus berkuat kuasa;
- Pendaftar hendaklah mengendoskan hakmilik sambungan lot itu dan lain-lain kemasukan yang berkaitan dalam daftar strata yang berkaitan;

JADUAL KETUJUH (SEKSYEN 57A) KESAN PENGAMBILAN BANGUNAN ATAU TANAH YANG DIPECAH BAHAGI

- ❑ Suatu pelan akui strata baharu yang diperakui hendaklah disediakan bagi petak atau blok sementara yang tidak diambil dan hendaklah dimasukkan dalam daftar strata yang berkaitan; dan
- ❑ Pengarah hendaklah meluluskan unit syer baharu yang dicadangkan, jika ada, yang diuntukkan kepada petak atau blok sementara yang tidak diambil, jika saksama, dan Pendaftar hendaklah mengendorskan unit syer baharu yang diluluskan dalam daftar strata yang berkaitan.

SEVENTH SCHEDULE (SECTION 57A) EFFECT OF ACQUISITION OF SUBDIVIDED BUILDING OR LAND

Acquisition of part of the lot with subdivided building or land

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

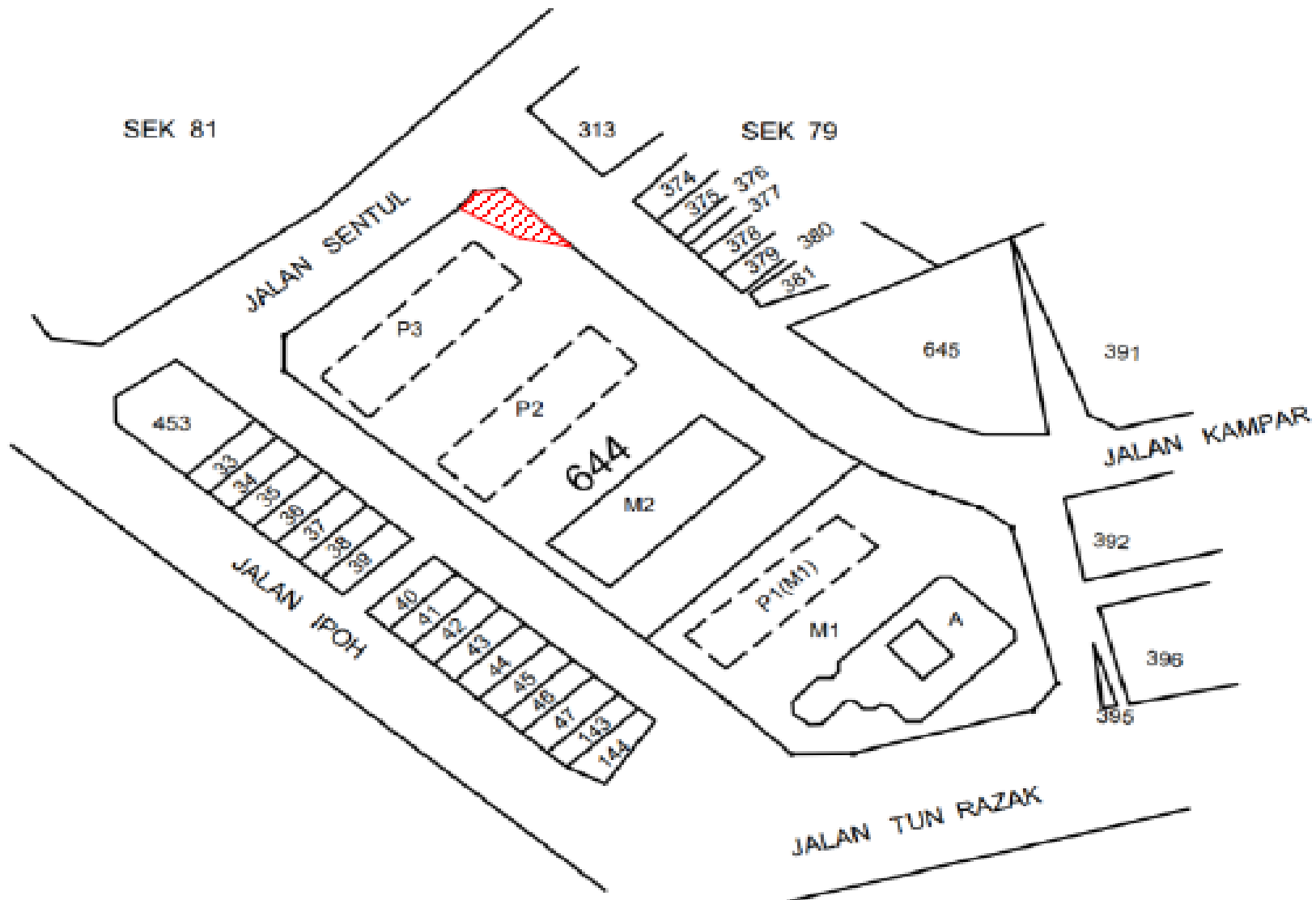
- The Registrar shall endorse the title in continuation of the lot and other relevant entries in the relevant strata register;

SEVENTH SCHEDULE (SECTION 57A) EFFECT OF ACQUISITION OF SUBDIVIDED BUILDING OR LAND

- A new certified strata plan shall be prepared for the parcel or provisional block not acquired and shall be inserted in the relevant strata register; and
- The Director shall approve the new proposed share units, if any, assigned to the parcel or provisional block not acquired, if equitable, and the Registrar shall endorse the new approved share units in the relevant strata register.

Pengambilan harta bersama

Acquisition of common property



JADUAL KETUJUHH (SEKSYEN 57A) KESAN PENGAMBILAN BANGUNAN ATAU TANAH YANG DIPECAH BAHAGI

Pengambilan harta bersama

- Dokumen hakmilik strata yang masih wujud berkaitan dengan petak atau blok sementara yang tidak diambil hendaklah dikekalkan dan terus berkuat kuasa;
- Pendaftar hendaklah mengendorskan hakmilik sambungan lot itu dan lain-lain kemasukan yang berkaitan dalam daftar strata yang berkaitan; dan

JADUAL KETUJUH (SEKSYEN 57A) KESAN PENGAMBILAN BANGUNAN ATAU TANAH YANG DIPECAH BAHAGI

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

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

dan apabila menerima pelan strata yang diperakui sedia ada daripada Pengarah Ukur, Pendaftar hendaklah memasukkan pelan itudalam daftar strata yang berkaitan.

SEVENTH SCHEDULE (SECTION 57A) EFFECT OF ACQUISITION OF SUBDIVIDED BUILDING OR LAND

Acquisition of common property

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

- The Registrar shall endorse the title in continuation of the lot and other relevant entries in the relevant strata register; and

SEVENTH SCHEDULE (SECTION 57A) EFFECT OF ACQUISITION OF SUBDIVIDED BUILDING OR LAND

The Director of Survey shall endorse on existing certified strata plan –

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

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

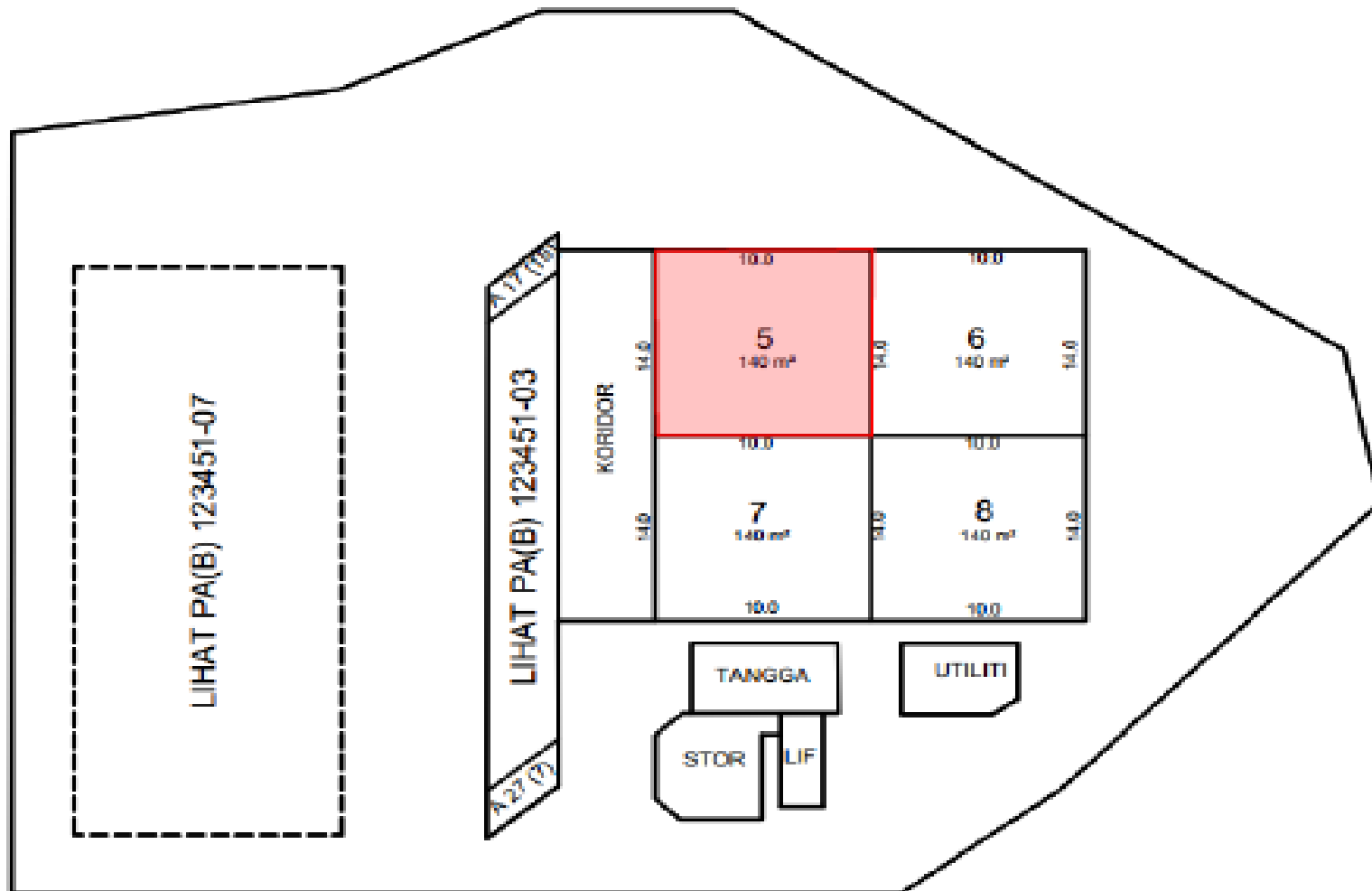
Pengambilan petak atau blok sementara

Acquisition of parcel or provisional block

PELAN TINGKAT

BANGUNAN M1
MENARA A
TINGKAT 1

PETAK 5 HINGGA 8 DAN AKSESORI A17 HINGGA A27
SKALA 1 : 500



JADUAL KETUJUH (SEKSYEN 57A) KESAN PENGAMBILAN BANGUNAN ATAU TANAH YANG DIPECAH BAHAGI

Pengambilan petak atau blok sementara

- Dokumen hakmilik strata yang terlibat hendaklah terletak hak pada pihak berkuasa kerkanun, orang atau perbadanan yang bagi pihaknya petak atau blok sementara itu diambil; dan
- Pendaftar hendaklah mengendorskan lain-lain kemasukan yang berkaitan dalam daftar strata yang berkaitan.
- Dalam hal jika sebahagian daripada petak diambil di bawah Akta Pengambilan Tanah 1960, peruntukan Bahagian V Akta ini hendaklah terpakai dengan ubah suaian.

SEVENTH SCHEDULE (SECTION 57A) EFFECT OF ACQUISITION OF SUBDIVIDED BUILDING OR LAND

Acquisition of parcel or provisional block

- The affected documents of strata title shall vest in the statutory authority, person or corporation on whose behalf the parcel or provisional block has been acquired; and
- The Registrar shall endorse other relevant entries in the relevant strata register.
- In the case where part of a parcel is acquired under the Land Acquisition Act 1960, the provision of Part V of this Act shall be applicable with modifications.

Bahagian VIII(A) & Jadual Ketujuh Baharu / Bab VIII(A) & New Table Seven

- **Provided modification procedures to the relevant strata register;**
➤ **Memperuntukkan prosedur modifikasi terhadap buku daftar strata yang berkenaan;**
- **Memperuntukkan tatacara atau urusan-urusan berkaitan yang perlu dilaksanakan oleh Perbadanan Pengurusan (MC); dan** **Provided the related methods and dealings needed to be implemented by the management corporation; and**
- **Peruntukan yang dicadangkan termasuklah:**
Proposed provisions include the following:
 - **Tempoh kewujudan MC bagi pengambilan keseluruhan**
 - **Pengiraan semula unit syer dan pengeluaran hakmilik sambungan bagi pengambilan sebahagian skim.**

Existence period of management corporation for acquisition of whole scheme.

Re-calculate all share units and issue of title in continuation for acquisition of part of the scheme.

Pindaan Seksyen 17A / Amendment Of Section 17A

- **To ensure special plan to be prepared by Licensed Land Surveyor;**
Memastikan pelan khas hendaklah disediakan oleh Juruukur Berlesen;
Requirement to fulfil the plan specification by Director of Survey can be done by administratively and not by methods; and
- **Keperluan untuk memenuhi spesifikasi pelan oleh Pengarah Ukur boleh dibuat secara administratif dan bukannya melalui kaedah; dan**
- **Apa-apa pindaan kepada pelan khas perlu diluluskan melalui ketetapan komprehensif.**
Any amendment of special plan shall approve through comprehensive resolution.

Strata (Subsidiary Titles) Ordinance
2019 (Third Schedule-S31)

Effect of Acquisition Subdivided
Building or Land

**(Amendments up to 12th December
2019)**

Effect of Acquisition Subdivided Building or Land

Acquisition of the whole lot with subdivided building or land

2. In the case where the whole lot with subdivided building or land is acquired under Part IV of the Land Code [**Cap. 81 (1958 Ed.)**]**—**

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

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

(c) the management corporation shall continue in existence for so long as it is reasonably necessary to settle its affairs and shall then cease to exist;

(d) the management corporation shall inform the Registrar the date that the management corporation shall cease to exist; and

(e) the Registrar shall cancel the relevant book of the subsidiary register.

Effect of Acquisition Subdivided Building or Land

Acquisition of part of the lot with subdivided building or land

3. In the case where part of the lot (including subdivided building or land) is acquired under Part IV of the Land Code [**Cap. 81 (1958 Ed.)**]**—**
- (a) the subsisting documents of subsidiary title which relate to the parcel or provisional block not acquired shall be retained and continued to be in force;
 - (b) the Registrar shall endorse the title in continuation of the lot and other relevant entries in the relevant subsidiary register;
 - (c) a new certified strata plan shall be prepared pursuant to section 10(2) for the parcel or provisional block not acquired and shall be inserted in the relevant subsidiary register; and
 - (d) the Superintendent shall approve the new proposed share units, if any, assigned to the parcel or provisional block not acquired, if equitable, and the Registrar shall endorse the new approved share units in the relevant subsidiary register.

Effect of Acquisition Subdivided Building or Land

Acquisition of common property

4. In the case where part of the lot involved only common property is acquired under Part IV of the Land Code [**Cap. 81 (1958 Ed.)**]

(a) the subsisting documents of subsidiary title which relate to the parcel or provisional block not acquired, shall be retained and continued to be in force;

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

(c) the Superintendent shall endorse on the existing certified strata plan—

(i) the title in continuation of the lot;

(ii) the new survey plan number of the lot; and

(iii) the new area of the lot.

Effect of Acquisition Subdivided Building or Land

Acquisition of parcel or provisional block

5.—(1) In the case where a parcel or provisional block is acquired under Part IV of the Land Code [**Cap. 81 (1958 Ed.)**]

(a) the affected documents of subsidiary title shall vest in the statutory authority or client department, whichever is relevant, person or corporation on whose behalf the parcel or provisional block has been acquired; and

(b) the Registrar shall endorse other relevant entries in the relevant subsidiary register;

(2) In the case where part of a parcel is acquired under Part IV of the Land Code [**Cap. 81 (1958 Ed.)**], the provisions of Second Schedule shall be applicable with modifications.

THANK YOU