THE REGISTRATION (STRATA TITLES) ACT

REGULATIONS
(*under section 16*)

The Registration (Strata Titles) Regulations, 1969

L.N. 366/69
46B/95

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(under section 16)

THE REGISTRATION (STRATA TITLES) REGULATIONS, 1969

(Made by the Minister on the 22nd day of August, 1969)

[*25th August, 1969.*]

L.N. 368/69
Amdt.
L.N. 46B[3]/95

1. These Regulations may be cited as the Registration (Strata Titles) Regulations, 1969.

2. The provisions of the Local Improvements Act shall not apply to any sub-division effected pursuant to subsection (1) of section 3 of the Act.

3. The Registrar of Titles shall keep a register of strata plans and shall record therein particulars of all strata plans lodged in his office for registration pursuant to the Act.

4.—(1) Every strata plan lodged in the office of the Registrar of Titles for registration—

(*a*) shall be prepared on one side of water-marked tubsized azure laid ledger paper containing not less than 60 per cent rag fibre and being of not less substance than 113 grammes per square metre (50 pounds per 500 sheets of double demy (20 inches x 31 inches)) and not less bursting strength than 50 pounds per square inch (with a tolerance of 20 per cent); the paper shall not be creased and shall be free from discoloration or blemishes, shall measure 15½ inches in length by 10 inches in width and shall have clear margins on the face of each sheet of not less than 1½ inches on the left-hand side and not less than ½ an inch on the right-hand side, at the top, and at the bottom;

(*b*) shall comprise—

(i) a first sheet in the form prescribed as Form 1 in the Schedule (using annexures thereto where necessary) on which shall be set out the matters prescribed by para-

Schedule. Form 1.

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graphs (*c*), (*d*), (*h*) and (*i*) of subsection (1) of section 7 of the Act; and

(ii) further sheets containing the particulars required by paragraphs (*e*), (*f*), (*g*) and (*i*) of subsection (1) of section 7 of the Act.

(2) Each further sheet of a strata plan shall be endorsed in the top right-hand corner—"sheets.....of.....sheets".

(3) The diagram prescribed by paragraph (*c*) of subsection (1) of section 7 of the Act shall be drawn with the north point directed upwards and shall be to a scale which will admit of all details and notations being clearly shown and such diagram shall show offsets in any case where part of the building is within six feet of a boundary of the parcel but no other dimensions shall be necessary. The external surface boundaries of the parcel shown in any such diagram shall, if the Registrar of Titles so requires, be defined by a plan of survey prepared in accordance with the Land Surveyors Act.

(4) Any floor plan prepared for the purposes of paragraph (*f*) of subsection (1) of section 7 of the Act shall be drawn with the north point directed upwards and shall be of a size which will admit of all details and notations being clearly shown.

(5) The strata lots shall be numbered consecutively, commencing with strata lot 1 and terminating with a strata lot numbered to correspond to the total number of strata lots comprised in the strata plan. Different parts of a building which constitute a single strata lot shall bear the same strata lot number.

(6) The schedule specifying the unit entitlement of each strata lot pursuant to paragraph (*h*) of subsection (1) of section 7 of the Act shall include on the right-hand side a column of not less than $1\frac{1}{2}$ inches in width to enable insertion of references to the certificate of title in respect of each strata lot in the strata plan, and the vertical interval between items in such schedule shall be not less than 3/10 inch.

(7) Typewriting may be used if the characters are typed with a dense black non-copying record ink and the lines of typewriting do not overlap. A carbon copy, or a copy in which the typewritten characters blur or spread or are liable to mark or damage an adjacent sheet shall not be lodged.

(8) Handwriting shall be clear and legible and in permanent black non-copying ink.

(9) Printing, writing or drawing shall not extend into any margin.

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(10) Alterations shall be made by striking through the matter intended to be rejected and not by rubbing, scraping or cutting the surface of the paper.

5. Every strata plan lodged for registration shall be endorsed with or accompanied by a certificate—

(*a*) of a land surveyor commissioned under the Land Surveyors Act, that the building shown on the strata plan is within the external surface boundaries of the parcel, and where eaves or guttering project beyond such external boundaries, that an appropriate easement has been granted as an appurtenance of the parcel; where such certificate is not endorsed on the strata plan it shall be in the form of Form 2 in the Schedule; Form 2.

(*b*) of the appropriate local planning authority (if the parcel is in an area to which a development order under the Town and Country Planning Act applies) that permission to carry out development of the kind shown in such strata plan has been granted.

6. Every application for registration of a strata plan shall indicate the name and postal address of the registered proprietor (or, where at the time of such application the land comprised in the strata plan is not under the operation of the Registration of Titles Act, the name and address of the person in whose name the certificate of title is to be issued) and of the party by whom the plan is lodged and shall be produced by delivery to the proper officer at the office of the Registrar of Titles accompanied by the prescribed fee and the duplicate certificate of title, if any, for the parcel.

7. Registration of a strata plan shall be effected by notifying under the seal of the office of the Registrar of Titles on the first sheet thereof the fact and date of such registration.

8. The Registrar of Titles shall endorse on the certificate of title issued for each strata lot in a strata plan a notification that by virtue of the provisions of the Registration (Strata Titles) Act, the proprietor holds his lot and his share in the common property subject to any interests affecting the same for the time being notified on the registered strata plan and subject to any amendments to strata lots or common property shown on that plan.

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9. The Registrar of Titles, after such enquiry and notices, if any, as he may consider proper and upon the production of such evidence and the compliance with such requests, if any, as he may think necessary to require or make, may—

(*a*) number or re-number any strata lots in a registered strata plan;

(*b*) supply omissions and correct patent errors in a registered strata plan;

(*c*) amend a registered strata plan in such other manner as he may think proper.

10. Every instrument other than the certificates referred to in regulation 5 lodged with the Registrar of Titles for the purposes of the Act or these Regulations, shall comply with the requirements specified in subparagraph (*a*) of paragraph (1), and paragraphs (7), (8), (9) and (10), of regulation 4.

11. A certificate under the seal of the corporation—

Form 3. (*a*) pursuant to subsection (3) of section 11 of the Act shall be in the form or to the effect of Form 3 in the Schedule; and

Form 4. (*b*) pursuant to subsection (3) of section 12 of the Act shall be in the form or to the effect of Form 4 in the Schedule.

12. A notification of destruction of a building given by the corporation pursuant to paragraph (*a*) of subsection (1) of section 14 of the Act shall Form 5. be in the form or to the effect of Form 5 in the Schedule.

13. A notification given by the corporation pursuant to subsection (5) Form 6. of section 9 of the Act shall be in the form or to the effect of Form 6 in the Schedule.

14.—(1) Any person appointed as administrator pursuant to section 13 of the Act may lodge with the Registrar of Titles an office copy of the order of the court making such appointment.

(2) The Corporation may lodge with the Registrar of Titles an office copy of any order made by the court pursuant to regulation 25.

(3) On receipt of any such office copy the Registrar of Titles shall endorse on the relevant registered strata plan a notification referring thereto, containing such particulars as appear to the Registrar of Titles to be necessary, and signed by him.

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15.—(1) The Registrar of Titles shall register a transfer pursuant to section 11 of the Act by issuing to the transferee a certificate of title for the land transferred and no notification of the transfer shall be made on any certificate of title.

(2) Where a parcel is transferred by the corporation after the building is destroyed the proprietors shall surrender to the Registrar of Titles their duplicate certificates of title for cancellation and the Registrar of Titles, after cancelling the certificates of title relating to the strata lots, shall register the transfer by issuing to the transferee a certificate of title for the land transferred.

16. The Registrar of Titles shall register a lease pursuant to section 11 of the Act by noting it on the registered strata plan in the manner prescribed by regulation 18.

17. The Registrar of Titles shall register the instrument creating an easement or restrictive covenant pursuant to section 12 of the Act by noting the same on the registered strata plan.

18. On lodgment of an instrument executed by the corporation pursuant to section 11, 12 or 14 of the Act there shall be endorsed on the relevant registered strata plan a memorial stating the nature of the instrument and such other particulars as appear to the Registrar of Titles to be necessary, and such memorial shall be signed by the Registrar of Titles.

19. On lodgment at the office of the Registrar of Titles of a plan of sub-division of common property comprised in a registered strata plan it shall not be necessary to produce to the Registrar of Titles the certificates of title for the strata lots comprised in such registered strata plan.

20. Upon receipt of a notice in or to the effect of Form 5 in the Schedule the Registrar of Titles shall endorse on the relevant registered strata plan a notification of the destruction of the building and of the vesting of the parcel in the proprietors. The notification shall contain such particulars as appear to the Registrar of Titles to be necessary and shall be signed by him.

21. Where a parcel has been transferred by the corporation after the building is destroyed the Registrar of Titles—

(*a*) shall enter on the relevant registered strata plan a notification of the cancellation thereof; and

(*b*) shall indicate by appropriate charting upon any relevant plan that such registered strata plan has been cancelled.

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22. Upon receipt of a notification in or to the effect of Form 6 in the Schedule the Registrar of Titles shall endorse on the relevant registered strata plan a memorial of such notification. The memorial shall contain such particulars as appear to the Registrar of Titles to be necessary, and shall be signed by him.

23. Where a proprietor's interest is subject to a registered mortgage and the mortgagee has given written notice of his mortgage to the corporation, any power of voting conferred on a proprietor by or under the Act—

(*a*) shall not in any case where a unanimous resolution is required, be exercised by the proprietor but shall be exercised by the mortgagee first entitled in priority;

(*b*) may in any other case be exercised by the mortgagee first entitled in priority, and shall not be exercised by the proprietor when such mortgagee is present personally or by proxy.

24.—(1) Where a building is insured to its replacement value a proprietor may effect a policy of insurance in respect of any damage to his strata lot in a sum equal to the amount secured, at the date of any loss referred to in such policy, by mortgages charged upon his strata lot.

(2) Where any such policy of insurance is in force, then, subject to the terms and conditions of the policy, the insurer shall be liable to pay thereunder to the mortgagees whose interests are noted thereon, in order of their respective priorities—

(*a*) the value stated in such policy; or

(*b*) the amount of the loss; or

(*c*) the amount sufficient, at the date of the loss, to discharge mortgages charged upon the strata lot,

whichever is the least amount.

(3) Where the amount paid by an insurer in accordance with paragraph (2) is sufficient to discharge a mortgage charged upon the strata lot the insurer shall be entitled to a transfer of that mortgage.

(4) Where the amount paid by an insurer in accordance with paragraph (2) is less than the amount necessary to discharge a mortgage charged upon the strata lot the insurer shall be entitled to an assignment of an interest (to the extent of the amount paid by him) in such mortgage to secure the amount so paid on such terms and conditions, if any, as were agreed upon under paragraph (7) or, failing agreement, on the same terms and conditions as those contained in the mortgage by the proprietor.

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(5) Where a building is uninsured, or has been insured to less than its replacement value, a proprietor may—

(*a*) effect a policy of insurance in respect of any damage to his strata lot in a sum equal to the replacement value of his strata lot less any amount for which his strata lot is insured under any policy of insurance effected on the building;

(*b*) notwithstanding any existing policies, effect a policy of insurance in respect of damage to his strata lot in a sum equal to the amount secured, at the date of any loss referred to in such policy, by mortgages charged upon his lot, and the provisions of paragraphs (2), (3) and (4) shall apply in respect of any payment pursuant to such policy as they apply to a policy effected pursuant to paragraph (1).

(6) For the purposes of paragraph (5) the amount for which a strata lot is insured under a policy of insurance effected in respect of the building shall be determined by multiplying the value stated in such policy by the unit entitlement of the strata lot and dividing the product so obtained by the sum of the unit entitlements of all strata lots.

(7) For the purposes of paragraph (4) and of sub-paragraph (b) of paragraph (5) any insurer and mortgagee or mortgagees may at any time, whether before or after a policy of insurance has been effected by a proprietor, agree upon the terms and conditions of the assignment of an interest.

(8) Nothing in this regulation shall limit the right of a proprietor to insure against risks other than damage to his strata lot.

(9) The policy of insurance authorized by this regulation and taken out by a proprietor in respect of damage to his strata lot shall not be liable to be brought into contribution with any other policy of insurance save another policy authorized by this regulation and taken out in respect of damage to the same strata lot.

25.—(1) Where the building is damaged but is not destroyed within the meaning of subsection (2) of section 14 of the Act, the court may by order settle a scheme, including provisions—

(*a*) for the reinstatement in whole or in part of the building;

(*b*) for transfer of the interests of proprietors of strata lots which have been wholly or partially destroyed to the other proprietors in proportion to their unit entitlement.

(2) In exercise of its powers under this regulation, the court may make such orders as it thinks necessary or expedient for giving effect to the scheme, including orders—

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

(*b*) directing payment of money by the corporation or by proprietors or by some one or more of them;

(*c*) directing such amendment of the strata plan as the court thinks fit, so as to include in the common property any accretion thereto;

(*d*) imposing such terms and conditions as it thinks fit.

(3) For the purposes of this regulation an application may be made to the court by the corporation or by a proprietor or by a registered mortgagee of a strata lot.

(4) On any application to the court under this regulation any insurer who has effected insurance on the building or any part thereof (being insurance against destruction of strata lots or damage to the building) shall have the right to appear in person or by counsel.

(5) The court may from time to time vary any order made by it under this regulation.

26. The fees which shall be paid to the Registrar of Titles shall be—

on lodgment of a strata plan for registration	$500.00
and in addition for each strata lot shown thereon	$ 20.00
for every certificate of title	the fee for the time being set out in the Eighteenth Schedule to the Registration of Titles Act for every certificate of title.
on lodgment of a notification of destruction of a building	$300.00
on lodgment of a notification of any amendment or variation of any by-law	$100.00
on lodgment of an office copy of an order of court appointing an administrator	$ 50.00
on lodgment of an application for amendment of a registered strata plan	$100.00

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SCHEDULE

Form 1
Strata Plan

(Regulation 4)

(*a*) Description of land as in certificate of title. State if whole of land or part.

PARISH Parcel comprises (*a*) Reference to Title Volume Folio Scale	Strata Plan No. Registered the day of 19 Registrar of Titles Last Plan

External surface boundaries of the parcel and location of the building in relation thereto to be delineated in space opposite.

Schedule of Unit Entitlement		OFFICE USE ONLY Current Certificate of Title	
Strata Lot No.	Unit Entitlement	Volume	Folio
AGGREGATE			

I,

of

a surveyor commissioned under the Land Surveyors Act hereby certify that

(1) the building erected on the parcel described above is within the external boundaries of the parcel subject to †clause (2) of this certificate;

†(2) eaves or guttering of the building project beyond external boundaries and an appropriate easement has been granted as an appurtenance of the parcel by registered transfer No.

Dated

Signature.....

Approved by the local planning authority for the purposes of the Registration (Strata Titles) Act.

Dated

Signature.....

†delete if inappropriate

The address for service of documents on the corporation is

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SCHEDULE, *contd.*

FORM 2 (Regulation 5)

Surveyor's Certificate

THE REGISTRATION (STRATA TITLES) ACT

Description of parcel.....

I,..... of.....
a surveyor commissioned under the Land Surveyors Act, hereby certify that:

(1) the building erected on the parcel described above is within the external boundaries of the parcel * subject to clause (2) of this certificate;

* (2) eaves or guttering of the building project beyond such external boundaries and an appropriate easement has been granted as an appurtenance of the parcel by registered Transfer No.....
Dated.....

* Omit if inappropriate.

Signature.....

FORM 3 (Regulation 11 (a))

Certificate of the Corporation

THE REGISTRATION (STRATA TITLES) ACT

In pursuance of the provisions of the Registration (Strata Titles) Act, the proprietors, strata plan No..... hereby certifies that the proprietors of the strata lots in the said strata plan by unanimous resolution, duly passed, directed the said corporation to execute the instrument hereunder recited and that all persons having registered interests in the parcel and all other persons having interests (other than statutory interests) which have been notified to the corporation have consented in writing to the release of those interests in respect of the land comprised in such instrument and that such instrument conforms with the terms of the aforesaid resolution.

Instrument: † Transfer (or as the case may be) dated.....

.....

(Brief description of the land disposed of)

The common seal of the proprietors, Strata Plan No. ..... was hereunto affixed on.....
in the presence of

.....

.....
(Members of Executive Committee)

SCHEDULE, *contd.*

Notes

(1) If, in the case of a lease, interested parties have approved in writing of the execution of the lease but have not consented in writing to the release of their interests in respect of the demised land, delete the words "have consented in writing to the release of those interests in respect of the land comprised in such instrument".
(2) † Insert a description of the nature and date of the instrument and the names of the parties thereto.

FORM 4 (Regulation 11 (b))

Certificate of the Corporation

THE REGISTRATION (STRATA TITLES) ACT

In pursuance of the provisions of the Registration (Strata Titles) Act, the proprietors—Strata Plan No. ..... hereby certifies that the proprietors of strata lots in the said strata plan by unanimous resolution, duly passed, directed the said corporation to execute the instrument hereunder recited and that all persons having registered interests in the parcel and all other persons having interests (other than statutory interests) which have been notified to the corporation have consented in writing to the release of those interests in respect of the land comprised in such instrument.

Instrument: † Transfer (or as the case may be) dated .....

.....

of.....

(*Brief description of land effected*)

The common seal of the proprietors, Strata Plan No. ..... was hereunto affixed on.....

in the presence of.....

.....

.....
(*Members of Executive Committee*)

† Insert a description of the nature and date of the instrument and the names of the parties thereto.

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SCHEDULE, *contd.*

FORM 5 (Regulation 12)

Notification of Destruction of Building

THE REGISTRATION (STRATA TITLES) ACT

In pursuance of section 14 (1) (*a*) of the Registration (Strata Titles) Act, the proprietors, Strata Plan No. ..... hereby certifies that the building illustrated on the said strata plan has been destroyed.

Attached hereto is † a certified copy of the unanimous resolution of the proprietors pursuant to section 14 (2) (*a*) of the said Act.

† An office copy of the declaration made by the Court pursuant to section 14 (2) (*b*) of the said Act.

The common seal of the proprietors, Strata Plan No. ..... was hereunto affixed on.....
in the presence of

.....

.....
(*Members of Executive Committee*)

† Delete whichever is inappropriate.

FORM 6 (Regulation 13)

Notification of Amendment or Variation of By-Laws

THE REGISTRATION (STRATA TITLES) ACT

In pursuance of section 9 of the Registration (Strata Titles) Act, the proprietors —Strata Plan No. ..... unanimously passed the following resolution—

(*Set out resolution*)

The common seal of the proprietors, Strata Plan No. ... .

was hereunto affixed on the.....

in the presence of

.....

.....
(*Members of Executive Committee*)

NOTE: Delete the word "unanimously" if not applicable.