

CONDOMINIUMS ACT, 1981

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Fifth Session First Parliament Republic of Trinidad  
and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

**Act No. 23 of 1981**

AN ACT to provide for the registration, management  
and control of condominiums.

*[Assented to 30th July, 1981]*

ENACTED by the Parliament of Trinidad and Tobago as Enactment  
follows:—

1. (1) This Act may be cited as the Condominiums Short title and  
Act, 1981. commencement

(2) This Act shall come into operation on a date  
to be fixed by the President by proclamation published  
in the *Gazette*.

## PART I

## INTERPRETATION

1981 No. 24

2. (1) Subject to subsection (2), the provisions of the Land Registration Act, 1981, apply to this Act to the extent that they are relevant to and not inconsistent with this Act and this Act shall accordingly be read together with that Act.

(2) In this Act—

“building” means any building (including a townhouse or similar dwelling and premises used for business or commercial purposes) comprising part of land which is included within a condominium scheme and includes the airspace occupied by or encompassed by it, and part of a building has a corresponding meaning;

“common expenses” means—

(a) all sums levied by the corporation on unit owners under this Act;

(b) the expenses of management of the land comprised in the condominium scheme;

(c) any expenses declared to be such by this Act, the condominium scheme or the bye-laws applicable thereto;

(d) any other expenses declared to be such by the corporation;

“common property” means the land designated as such in a condominium scheme and which is not included within the boundaries of any unit designated by the scheme;

“condominium scheme” has the meaning assigned by section 3(1);

“the corporation” means the body incorporated by section 20;

1981 No. 24

“principal Act” means the Land Registration Act, 1981;

“owner”, in relation to a unit, includes his successors in title and any person entitled by or under this Act to exercise any powers of a unit owner;

“special resolution” means a resolution of which at least twenty-one days’ prior notice is given and which, is passed at a duly convened general meeting of the corporation by a majority of not less than three-quarters of the total unit entitlement and not less than three-quarters of all the persons entitled to exercise the powers of voting conferred upon unit owners by or under this Act present personally or by proxy at the time of its passing;

“general resolution” means a resolution of which at least thirty days’ prior notice is given and which is passed at a duly convened general meeting of the corporation by a majority of not less than three-fifths per cent of the total unit entitlement and not less than three-fifths per cent of all persons entitled to exercise the powers of voting conferred upon unit owners by or under this Act present personally or by proxy at the time of its passing;

“unit” means a building (together with any land attached thereto) which is designated as such by a condominium scheme;

“unit entitlement” means the entitlement of a unit fixed in accordance with paragraph 4 of the First Schedule.

First Schedule

## PART II

### REGISTRATION OF CONDOMINIUM SCHEMES

3. (1) From the commencement of this Act, where any land or any building on land is to be sub-divided into four or more units under a scheme of development for residential, business or commercial purposes, or any combination of such purposes, (in this Act referred to as a “condominium scheme”) whereby each unit is attached to or dependent to a substantial degree on the

other units or other land comprised in the scheme for support shelter or easements relating to the services referred to in section 17, the said condominium scheme shall be registered in accordance with the provisions of this Act.

(2) Until it is so registered, the sub-division purported to be effected by the condominium scheme is ineffective at law or in equity and any purported transfer or other disposition of any unit or other land comprised in the scheme is null and void.

(3) Registered land may be sub-divided by registration of a condominium scheme lodged with the Land Registrar by—

- (a) the proprietor of an estate in fee simple in the land in accordance with the provisions of section 4;
- (b) the proprietor of a leasehold estate in the land in accordance with the provisions of section 5.

(4) Unregistered land may be sub-divided by registration of a condominium scheme lodged with the Land Registrar by the owner of an estate in fee simple or a lease for a term of which not less than twenty-one years are outstanding in the land in accordance with the provisions of section 6.

(5) Where a scheme of development has come into existence before the commencement of this Act which, if it came into existence after such commencement, would be a condominium scheme coming within subsection (1), it may be registered under this Act with the consent of—

- (a) all owners of any units comprised in the scheme;
- (b) all incumbrancers of any land comprised in the scheme;
- (c) where such owners hold a leasehold term only, the lessor or any other superior owner;

and the provisions of section 39 apply to such registration.

Application by  
freehold proprietor

4. (1) This section applies only to a condominium scheme under which the owner of each unit and the corporation is to acquire either a fee simple estate or a leasehold term of not less than twenty-one years.

(2) Where the proprietor of an estate in fee simple wishes to register a condominium scheme in respect of registered land, or any part thereof, he shall execute an instrument describing the scheme as prescribed by section 8, which shall be lodged with the Land Registrar, together with the duplicate certificate of title.

(3) Upon receipt of an instrument lodged under subsection (2), the Land Registrar shall—

- (a) enter the instrument, in such manner as may be prescribed, in the Register;
- (b) issue a certificate of title to—
  - (i) the proprietor in respect of each unit identified by the scheme;
  - (ii) the corporation in respect of the common property identified by the scheme;
- (c) take such other steps as may be prescribed for the purposes of registration of such a condominium scheme under this Act.

(4) Where the proprietor wishes to transfer a unit comprised in the scheme, he shall execute a memorandum of transfer which shall—

- (a) for the description of the land intended to be transferred, identify the unit in question by reference to the instrument describing the scheme;
- (b) contain an accurate statement of the estate whether of freehold or leasehold intended to be transferred and a note of any leases, mortgages or other incumbrances to which it may be subject;

and the said transfer shall be registered in accordance with Part X of the principal Act.

5. (1) This section applies only to a condominium scheme under which the owner of each unit and the corporation is to acquire a leasehold estate. Application by leasehold proprietor

(2) Where the proprietor of a leasehold estate wishes to register a condominium scheme in respect of registered land, or any part thereof, whereby a term of not less than twenty-one years is to be acquired by the owner of each unit and the corporation, he shall comply with the provisions of section 4 and the scheme shall be registered accordingly.

(3) Where the proprietor wishes to transfer a unit comprised in the scheme, he shall comply with the provisions of section 4(4).

Application by  
owner of  
unregistered land

6. (1) This section applies only to a condominium scheme under which the owner of each unit and the corporation is to acquire a fee simple or leasehold estate.

(2) Where the owner of an estate in fee simple absolute in possession or leasehold term of which not less than twenty-one years remain outstanding in unregistered land wishes to register a condominium scheme in respect of that land, or any part thereof, he shall—

- (a) make an application for registration of his title in accordance with section 33 of the principal Act;
- (b) execute and lodge with the said application an instrument describing the scheme as prescribed by section 8.

(3) Sections 34 to 39 of the principal Act apply to such an application, subject to such modifications as may be prescribed, and accordingly the Land Registrar shall register the scheme by—

- (a) entering the instrument describing it, in such manner as may be prescribed, in the Register;
- (b) issuing a certificate of title to—
  - (i) the proprietor in respect of each unit identified by the scheme;
  - (ii) the corporation in respect of the common property identified by the scheme;
- (c) take such other steps as may be prescribed for the purpose of registration of such a condominium scheme under this Act.

(4) Where the proprietor wishes to transfer a unit comprised in the scheme, he shall comply with the provisions of section 4(4).

Certificate of Title

7. A certificate of title issued in respect of a unit under this Act shall, in addition to complying with the provisions of section 4(4), state therein his share in the common property held upon the statutory trusts by the corporation under section 13.

8. (1) The instrument describing a condominium <sup>Instrument describing scheme</sup> scheme required to be lodged with the Land Registrar under the provisions of this Act shall—

- (a) comply with section 57 of the principal Act;
- (b) comply with the provisions as to its contents to be found in the First Schedule; <sup>First Schedule</sup>
- (c) have such parts and have annexed or attached thereto or entered thereon such schedules, maps, plans and diagrams as may be prescribed.

(2) The Land Surveyors Ordinance and the Rules <sup>Ch. 27. No. 2</sup> made thereunder apply to any map, plan or diagram prepared or furnished under this Act to the extent that they are not inconsistent with the provisions of this Act.

(3) Where any doubt arises in respect of subsection (2) as to whether in a particular case—

- (a) the Land Surveyors Ordinance or the <sup>Ch. 27 No. 2</sup> rules made thereunder have been complied with; or
- (b) the provisions of this Act have been complied with; or
- (c) there is a conflict between the said Ordinance or rules and the provisions of this Act,

the signature of approval of the Director of Surveys on any map, plan or diagram is conclusive evidence that it complies with this Act sufficiently to authorise the Land Registrar to register the condominium scheme to which it relates.

(4) It is hereby declared that bye-laws 6, 19, 41 and 67 of the Public Health (Streets and Buildings) Bye-Laws (made under section 15 of the Public Health <sup>Ch. 12. No. 4</sup> Ordinance) do not apply to land comprised in a condominium scheme to be registered under this Act.

(5) Subject to subsection (3), any provision in an instrument describing a condominium scheme which is inconsistent with the provisions of this Act is void to the extent of the inconsistency.

9. (1) Upon Registration of a condominium scheme— <sup>Effect of registration</sup>
- (a) the land comprised in the scheme shall be deemed to be subdivided into the units,

each having such limits and boundaries as are described in the instrument describing the scheme, and the common property identified by the scheme;

- (b) the said common property shall be deemed to be vested in the corporation in accordance with the provisions of section 30.

(2) Subject to the provisions of this Act all land included within a condominium scheme registered under this Act is subject to the provisions of the principal Act and accordingly each unit and the common property may be transferred and dealt with and transmitted as any other parcel of registered land in accordance with that Act.

(3) Any such transfer, dealing or transmission with respect to a unit automatically includes with the owner's interest in the unit his share in the common property held upon the statutory trusts by the corporation under section 13;

(4) Upon registration of a condominium scheme under this Act—

- (a) each unit and the common property, and all persons having or subsequently acquiring any interest therein, become subject to the provisions of this Act;
- (b) all persons having or subsequently acquiring any interest in any unit or the common property are bound by the provisions of the scheme.

(5) Where a condominium scheme has been registered in respect of land still subject to a mortgage or charge, no transfer of any unit identified by the scheme is valid or effective nor shall be registered unless—

- (a) such mortgage or charge is discharged in accordance with the provisions of section 75 of the principal Act prior to such transfer; or
- (b) the mortgage or chargee joins in such transfer so as to transfer the unit freed and discharged from the mortgage or charge.

10. Where a condominium scheme is registered <sup>Leasehold property</sup> under section 5 or, in relation to leasehold land, section 6—

- (a) in the case of any units comprised in the scheme to be used exclusively for business or commercial purposes, nothing in this Act prevents the creation of leases or sub-leases of those units for terms less than twenty-one years, but, subject to this provision, the remaining provisions of this Act apply to such units;
- (b) any provision in any lease relating to the land comprised in the scheme which is inconsistent with the provisions of this Act or the scheme becomes void to the extent of the inconsistency, but nothing in this Act shall be deemed to authorise a lessee to register a condominium scheme where such registration would contravene the terms of his lease, unless the lessor waives such terms or consents to the registration;
- (c) subject to section 12, no merger or extinguishment is effected by—
  - (i) the surrender of the lease of a unit to the owner of a superior estate or interest; or
  - (ii) the acquisition by such an owner of such a lease, whether by purchase, forfeiture or otherwise.

11. (1) A condominium scheme registered under <sup>Amendment of registered scheme</sup> this Act may be amended only—

- (a) with the consent of—
  - (i) all unit owners;
  - (ii) all incumbrancers of any land included in the scheme; and
  - (iii) in the case of a scheme registered under section 5 or, in relation to leasehold land, section 6, the lessor or any other superior owner;

(b) after lodgement with the Land Registrar of—

- (i) a certificate, in such form as may be prescribed, under the seal of the corporation stating that the consent of all the persons referred to in paragraph (a) has been obtained;
- (ii) an instrument, complying with section 57 of the principal Act, setting out in full the amendment in question.

(2) No amendment of a condominium scheme is effected until a memorial of the instrument lodged under subsection (1)(b)(ii) is endorsed on the instrument describing the scheme entered in the Register and, where appropriate, on every certificate of title relating to the scheme and every duplicate thereof.

(3) Nothing in this section prevents a proprietor who has registered a condominium scheme under this Act from applying to the Land Registrar for amendment of the said scheme before any unit is transferred to any unit owner and the following provisions only of this section apply to such an application, that is to say, subsection (1)(a)(iii) and (b)(ii) and subsection (2).

**Cancellation of registration**

**12.** (1) On the application of any interested person, the Land Commission may make an order directing the Land Registrar to cancel the registration of a condominium scheme where the Commission is satisfied that—

- (a) the unit owners have resolved by a general resolution to agree to such cancellation and all incumbrancers have either also so agreed in writing or agreed that their incumbrances should be transferred to the interests of the former unit owners in the land after cancellation, as determined by this section; or
- (b) a building has been destroyed and is not to be reconstructed under section 33; or
- (c) circumstances have arisen which, in the opinion of the Land Commission, having regard to the rights and interests of all

interested persons as a whole, make it just and equitable to cancel the registration.

(2) Upon the making of an order under subsection (1), the Land Registrar shall—

- (a) cancel all entries in the Register relating to the scheme to which the order relates;
- (b) cancel all certificates of title issued in relation to the scheme;
- (c) issue a new certificate of title relating to the land comprised in the order in favour of the corporation or the trustees, as the case may require;
- (d) take all other steps necessary to secure compliance with the order.

(3) Subject to subsection (4), upon the making of an order under subsection (1), the land to which it relates ceases to be governed by this Act and is held by the corporation, or by such trustees as may be appointed by the Land Commission on the request by any interested person, upon the satisfactory trusts for the former unit owners, so that each unit owner has an undivided share in the same proportion as his former unit entitlement.

(4) If a majority of the unit owners so request in the application under subsection (1), the Land Commission may, if it considers it just and equitable in all the circumstances to do so, as part of its order—

- (a) apportion the land to which the order relates among the former unit owners in proportion to their former unit entitlement and make such further orders vesting the apportioned parts in the former unit owners as are appropriate; or
- (b) order the land to which the order relates to be sold, whereupon the net proceeds of sale together with the proceeds (if any) of insurance policies relating to land comprised in the former registered scheme constitute one fund to be divided among the former unit owners in proportion to their respective former unit entitlements.

(5) In the case of a scheme registered under section 5 or, in relation to leasehold land, section 4 or section 6, a sale of the land under subsection (4)(b) means a sale of the leasehold estate vested in the unit owners and the unit owners and the corporation, unless the lessor and any superior owner joins in the sale, in which case the division of the net proceeds of sale shall take account of the lessor's and the superior owner's interest in the land sold.

(6) Where an apportionment is made under subsection (4)(a), the Land Registrar shall issue new certificates of title relating to the apportioned parts of the land vested in the former unit owners.

(7) Where the land is sold under subsection (4)(b), the Land Registrar shall issue a new certificate of title in relation to it in favour of the purchaser.

(8) As part of an order made under subsection (1), but subject to subsection (3) the Land Commission may appoint a liquidator and give directions for the winding-up of the affairs of the corporation as if it were a company being wound up by the court under the Companies Ordinance and may subsequently make an order declaring the corporation to be dissolved as from a date specified therein.

Ch. 51. No. 1

(9) In any such winding-up, no unit owner is liable to contribute to the assets of the corporation a sum exceeding one hundred dollars.

(10) For the purposes of this section, an "interested person" means the corporation, any unit owner, any lessor or superior owner and any incumbrancers of land comprised in the condominium scheme.

(11) In any proceedings under this section, the Land Commission may make such order for payment of costs as it thinks fit.

(12) Nothing in this section affects the cancellation of a condominium scheme registered under section 5 or, in relation to leasehold land, section 4 or section 6 where—

(a) the leases vested in the unit owners and corporation come to their natural determination; or

- (b) the unit owners by a general resolution and the corporation, under direction of the unit owners by unanimous resolution, jointly agree to surrender their leases and a certificate, in such form as may be prescribed under the seal of the corporation stating that the said resolution was duly passed, is lodged with the Land Registrar;

and the Land Registrar makes the appropriate endorsements on the relevant certificates of title entered in the Register in accordance with section 79 of the principal Act.

(13) Nothing in this section prevents the unit owners from—

- (a) agreeing amongst themselves an apportionment to take effect instead of an apportionment made under subsection (4)(a);
- (b) instituting a voluntary winding-up of a solvent corporation as if it were a company subject to the Companies Ordinance instead of a winding-up order under subsection (8).

Ch. 51. No. 1

### PART III

#### UNIT OWNERS

13. (1) Subject to this Act, the common property is held upon the statutory trusts by the corporation to give effect to the provisions of this Act and each unit owner has an undivided share in it held in common in equity with all the other unit owners.

Incidents of  
ownership

(2) Each unit owner's share in the common property is in the same proportion as his unit entitlement.

(3) No share in the common property shall be disposed of except as appurtenant to the unit to which it relates.

(4) Subject to section 12, no action may be brought for the division or portion of land comprised in a condominium scheme registered under this Act.

(5) Subject to any provision to the contrary in the condominium scheme, no unit owner may subdivide his unit.

**Unit entitlement**

**14.** (1) Without prejudice to any other provision in this Act, the unit entitlement determines—

- (a) the voting rights of each unit owner;
- (b) the proportion of the common expenses payable from time to time as contributions by each unit owner.

(2) Subsection (1) has effect subject to the provisions of the condominium scheme registered under this Act.

(3) The unit entitlement has a permanent character and may be varied only if all the unit owners affected consent thereto in the manner specified by the scheme.

**Support**

**15.** (1) In respect of each unit there is implied—

- (a) in favour of the unit owner and as appurtenant thereto, an easement for the subjacent and lateral support thereof by the common property and by every other unit capable of affording support;
- (b) as against the unit owner and to which the same is subject, an easement for the subjacent, suprajacent and lateral support of the common property and of every other unit capable of enjoying support.

**Shelter**

**16.** (1) Each unit owner is entitled to have his unit sheltered by all such parts of the building in which it is situated or other parts of the land comprised in the scheme as are capable of affording shelter.

(2) The right created by this section is an easement to which all such of the said parts as are capable of affording shelter are subject.

(3) Subject to subsection (4), the easement of shelter created by this section entitles the owner of the dominant tenement to enter on the servient tenement to replace, renew or restore any shelter, provided reasonable compensation is paid to the owner of the servient tenement for any damage resulting from exercise of such rights.

(4) Save in the case of an emergency, the right subsection (3) shall not be exercised except after due notice to the corporation and the owner of the servient tenement and at reasonable times during the hours of daylight.

17. In respect of each unit there is implied—

Services

(a) in favour of the unit owners and as appurtenant thereto, easements for the passage or provision of water, sewer, drainage, gas, electricity, garbage, artificially heated or cooled air and other services (including telephone, radio and television services) through or by means of pipes, wires, cables and ducts for the time being existing in or on the land comprised in the condominium scheme to the extent to which those pipes, wires, cables and ducts are capable of being used in connection with the enjoyment of such units;

(b) as against such unit owner and to which the same is subject, easement for the passage or provision of the services mentioned in paragraph (a) through or by means of any pipes, wires, cables and ducts for the time being existing within such unit as appurtenant to the common property and also to every other unit capable of enjoying such easements.

18. Subject to the provisions of this Act, all ancillary rights and obligations reasonably necessary to make easements effective apply in respect of any easement implied or created by this Act.

Ancillary rights

19. For the avoidance of doubt, it is hereby declared that easements arising under sections 15 to 17 have full force and effect in respect of unit owners and the corporation holding under the same lessor by virtue of a condominium scheme registered under section 5 or section 6.

common lessor  
Easements where

## PART IV

## THE CORPORATION

## Incorporation

20. (1) Upon registration of a condominium scheme under this Act, there comes into existence a body corporate (hereinafter referred to as "the corporation") under the name "The Proprietors, Condominium Scheme No. " (the appropriate number of the scheme being inserted in the blank space by the Land Registrar), or such other designation as may be prescribed.

(2) Each unit owner becomes a member of the corporation as and when he is registered as proprietor of his unit and is succeeded as such member when another person is registered as such proprietor.

(3) The corporation shall have perpetual succession and a common seal and be capable of suing and being sued in its own name.

(4) Save as provided by this Act, any enactment providing for the incorporation, regulation and winding-up of companies does not apply to the corporation.

Functions of  
corporation

21. (1) Subject to section 22, the corporation shall—

(a) administer the land comprised in the condominium scheme for the benefit of all unit owners and be responsible for enforcement of the bye-laws applicable to the scheme;

(b) keep the common property in a state of good and serviceable repair, fair wear and tear excepted, and, subject to the bye-laws governing such property, regulate the use of the common property by the unit owners and, in particular, where appropriate, so as to ensure adequate provision thereon of parking facilities for cars and other vehicles owned or used by unit owners and their guests or visitors;

(c) insure and keep insured any building or buildings on the land comprised in the scheme (in respect of which the corporation shall be deemed to have an insurable

interest) to the replacement value thereof against fire, earthquake, hurricane and any other risk specified by the scheme, unless, subject to any approval or consent of any mortgagee of any such building required by the terms of the mortgage, the unit owners by general resolution require otherwise;

- (d) insure against such other risks as the unit owners may by special resolution require, for which purposes the corporation is deemed to have an insurable interest;
  - (e) comply with notices or orders issued by any competent public authority requiring repairs to or work to be done in respect of the land comprised in the condominium scheme;
  - (f) carry out the directions of the unit owners expressed by resolution or otherwise as may be prescribed by the condominium scheme or the bye-laws applicable thereto;
  - (g) carry out any other duties prescribed by the condominium scheme or the bye-laws applicable thereto.
- (2) The corporation may—
- (a) establish funds for administrative expenses sufficient in its opinion for—
    - (i) the administration of the land comprised in the condominium scheme;
    - (ii) payment of any rent, rates, taxes, insurance premiums and any other outgoings;
    - (iii) the establishment of reserves for capital improvements or renewals of the common property;
    - (iv) the discharge of any other of its obligations;
  - (b) determine from time to time the amounts of money to be raised for the purposes aforesaid;
  - (c) raise the amounts so determined by levying contributions on the unit owners;

- (d) recover from any unit owner any sum of *money expended by it for repairs or work done by it or at its discretion in complying with any notice or order issued by a competent public authority in respect of any part of the unit;*
- (e) employ such staff as may be deemed necessary to carry out its duties;
- (f) receive the proceeds of any insurance taken out by it against the loss of or damage to any building in trust for the unit owners in proportion to their respective interests and, subject to section 12, apply the same for the repair or reconstruction of the building in accordance with section 34, and
- (g) exercise any other powers conferred on it by the condominium scheme or the by-laws applicable thereto.

(3) All agreements, decisions and determinations lawfully made by the corporation in accordance with this Act, the relevant condominium scheme and the by-laws applicable thereto are binding on all unit owners and any disputes in relation thereto shall be determined by the Land Commission.

Preliminary  
exercise of  
functions

22. (1) Pending the holding of the first general meeting of the corporation and election of its executive committee in accordance with the bye-laws regulating the corporation, the functions of the corporation shall be exercised by the proprietor or owner registering the condominium scheme.

(2) In such a case, the said proprietor or owner shall be deemed to be an administrator appointed under section 35 on the terms and conditions specified in the scheme, but otherwise subject to the provisions of this Act.

(3)(a) Any dispute arising with reference to the assumption of functions by the corporation under subsection (1) may be referred by the proprietor or owner registering the condominium scheme or by an interested person to the Land Commission whose decision shall be final and binding.

(b) "Interested person" has the same meaning as in section 12(10).

**23.** (1) Unless the corporation maintains an office Service of documents in a building forming part of the land comprised in the condominium scheme, it shall cause to be provided and fixed at or near the front of such a building a receptacle suitable for the purpose of receiving articles by post and on such receptacle the name of the corporation shall be clearly designated.

(2) Any summons, notice, order or other document may be served on the corporation by posting it to the corporation at the address specified in the condominium scheme or by placing it in the receptacle referred to in subsection (1).

(3) Except where the person in question resides permanently in any such building, every unit owner, incumbrancer or other person having an interest in land comprised in the condominium scheme shall notify the corporation of his address for service of notices or other documents upon him and the corporation shall send all such notices or documents to him by post at that address.

**24.** (1) The corporation shall—

(a) cause proper books of accounts to be kept Accounts in respect of all moneys received and spent by it;

(b) in the application of any unit owner, incumbrancer or other person having an interest in land comprised in the condominium scheme, make the said books available for inspection at all reasonable times;

(c) appoint an auditor, not being a unit owner, incumbrancer or other person having an interest in the condominium land, to audit the accounts at least once a year.

(2) Annual accounts duly audited shall be furnished by the corporation to all unit owners at least once a year.

**25.** A unit owner has no personal liability for the Liability of unit owners acts or omissions of the corporation and his liability for the common expenses is limited to the amounts of the contribution from time to time levied upon him.

**PART V**  
**MANAGEMENT AND CONTROL**

Bye-laws

26. (1) The management, control, administration, use and enjoyment of all land comprised in a condominium scheme registered under this Act shall be regulated by bye-laws.

Second Schedule  
Part I

(2) The bye-laws are—

(a) those set forth in Part I of the Second Schedule, which shall not be amended or varied except by general resolution;

Second Schedule  
Part II

(b) those set forth in Part II of the Second Schedule, which may be amended or varied by the terms of the condominium scheme originally registered or subsequently by special resolution;

(c) such additional bye-laws as may be included in the condominium scheme originally registered or added subsequently by special resolution, provided they are not inconsistent with the terms of this Act.

(3) No bye-law shall operate to prohibit or restrict the disposition or devolution of any unit or destroy or modify any easement implied or created by this Act.

(4) No amendment or variation of, or addition to, the bye-laws is effective until full particulars of it are entered in the Register in accordance with section 11.

(5) The bye-laws for the time being in force bind the corporation and the unit owners to the same extent as if such bye-laws had been contained in a deed respectively executed by the corporation and each unit owner and the deed had contained covenants on the part of the corporation with each unit owner and on the part of each unit owner with every other unit owner and with the corporation to observe and perform all the provisions of the bye-laws.

(6) The corporation shall, on application by a unit owner or any person authorised by him, make available for inspection the bye-laws for the time being in force.

27. (1) Where a unit owner is under a disability which by law prevents him from managing or controlling his property, any voting rights conferred by or under this Act in respect of his unit may be exercised by the person for the time being authorised by law to manage or control his property.

(2) Where, on the application of the corporation or any unit owner, the Land Commission is satisfied that there is no person able or that no person can be found who is able to exercise the voting rights in respect of a unit, the Land Commission—

- (a) shall, in cases where a general resolution is required by or under this Act; and
- (b) may, in its discretion, in any other case; appoint some fit and proper person to exercise the said voting rights as the Land Commission determines.

28. (1) Any contribution levied by the corporation on any unit owner becomes due and payable seven days after service of notice in writing of the levying of such contribution.

(2) Without prejudice to section 30, any unpaid contribution may be recovered in civil proceedings before a court as a debt owed to the corporation.

(3) Subject to any order made under subsection (5), a unit owner may not exempt himself from his liability to pay contributions levied by the corporation by waiver of the use or enjoyment of any part of the common property or by abandonment of his unit.

(4) Upon the written request of any unit owner, the corporation shall, in relation to any contribution levied on him, furnish him with—

- (a) full particulars of the expenses or costs incurred by the corporation to meet part of which the said contribution has been levied;
- (b) full particulars of contributions levied on the other unit owners in respect of the same expenses or costs and of the appointment of contributions between all the unit owners;
- (c) such information or evidence (whether by furnishing copies of receipts or accounts or otherwise) as is sufficient to support such particulars.

(5) Any dispute as to the fairness of such contributions or their apportionment as between the unit owners may be referred to the Land Commission for determination and, in its determination, the Land Commission may order a variation in or reapportionment of such contributions or make such other order relating thereto as it considers fair in all the circumstances of the case.

Joint and  
several liability

29. (1) Upon execution of any transfer of or other dealing with a unit, the transferee is jointly and severally liable with the transferor for all unpaid contributions due by the latter to the corporation up to the date of execution, but without prejudice to the transferee's right to recover from the transferor the amounts paid by the transferee therefor.

(2) For the purposes of this section, the corporation shall, on the application of any unit owner or any person authorised in writing by him, certify in such form as may be prescribed—

- (a) the amount of any contribution which on the date of the certificate is due and payable by such unit owner;
  - (b) the time within which such contribution is payable;
  - (c) the extent (if any) to which any such contribution has been paid by the unit owner,
- and any such certificate is conclusive in favour of such person.

(3) Nothing in this section prejudices any charge on a unit registered under section 30.

Charge on a unit

30. (1) Subject to subsection (2), any unpaid contribution due from a unit owner, together with interest thereon at such rate as may be specified in the bye-laws applicable to the relevant condominium scheme, constitute a charge on such unit with effect from the date on which the contribution becomes payable.

(2) A charge under subsection (1) is not effective until a memorandum of charge in such form as may be prescribed is executed by the corporation and a memorial thereof is endorsed on the certificate of title relating to the said unit entered in the Register and on its duplicate in accordance with section 72 of the Land Registration Act, 1981.

(3) Once registered, such a charge has the effect provided by section 73 of the Land Registration Act, 1981 and may be discharged in accordance with the provisions of section 75 of the said Act.

(4) For the purposes of securing a discharge, the unit owner is entitled to require the corporation to execute the memorandum referred to in section 75(1) of the said Act.

**31.** (1) The corporation shall not transfer or otherwise deal with the common property except as provided by this Act. Common property

(2) The unit owners may by general resolution direct the corporation to deal with the common property in any way provided for by Parts X to XV of the Land Registration Act, 1981. 1981 No. 24

(3) Thereupon the corporation may deal with the common property as the registered proprietor thereof, provided—

(a) all incumbrancers and other persons having interests in the said property, of which the corporation has notice, have consented in writing to the dealing in question; and

(b) a certificate in such form as may be prescribed, under the seal of the corporation stating that the said resolution was duly passed is endorsed on, and a copy of any necessary consent in writing is attached or annexed to, any memorandum or other instrument executed by the corporation in accordance with the Land Registration Act, 1981. 1981 No. 24

(4) The certificate referred to in subsection (3)(b) is conclusive evidence of the facts stated therein in favour of the Land Registrar and all other persons dealing with the corporation.

(5) All consideration or other moneys arising from any dealing under this section shall be held in trust by the corporation for the unit owners in shares proportionate to their unit entitlement and any incumbrancer or other person who has consented to his former interest in the common property attaching to the said consideration or other moneys.

(6) Where the dealing involves a transfer of the common property, or any part thereof, the said property, or part thereof, ceases to be governed by this Act from the date of resignation of the transfer under the Land Registration Act, 1981.

1981 No. 24

Insurance by  
corporation

**32.** (1) Where the corporation insures any building under section 21(1)(c) the value of each unit comprised in such building may be noted on the insurance policy and, in any event, the corporation shall—

- (a) give written notice of any such insurance effected by it and of any change therein or termination thereof to each unit owner;
- (b) on the written request of any unit owner, incumbrancer or other person having an interest in the building to which the insurance relates, produce for inspection by such person, or any person authorised in writing by him, the policy or policies of insurance and the receipt or receipts for the last premium or premiums paid in respect thereof.

(2) Any policy of insurance taken out under section 21(1)(c) is not liable to be brought into contribution with any other policy of insurance, save another policy taken out under the said paragraph in respect of the same building.

(3) Nothing in section 21(1)(c) or this section prevents—

- (a) a mortgagee of a unit from requiring a unit owner to effect a policy of insurance in respect of the unit in accordance with the terms of the mortgage;
- (b) a unit owner from effecting a policy of insurance in respect of his unit in addition to or, following a general resolution releasing the corporation from its duty under section 21(1)(c), in lieu of a policy of insurance effected by the corporation.

(4) This section applies notwithstanding any other law relating to insurance for the time being in force.

**33.** (1) The corporation shall promptly repair or reconstruct any building comprised in the condominium scheme where it has sustained damage which—

Repair or reconstruction of buildings

- (a) renders less than seventy-five per cent of the accommodation in the building unfit for occupation; or
- (b) is in excess of what prescribed in paragraph (a) and the owners of units in the building have, within sixty days of the event causing damage, decided by a general resolution that the building be reconstructed.

(2) The proceeds of insurance (if any) shall be used to repair or reconstruct any building under this section and any deficiency is hereby declared to be common expenses.

(3) Where it becomes the duty of the corporation to repair or reconstruct a building under subsection (1), it shall without undue delay draw up a scheme for the purpose and, if such scheme (either in its original or an amended form) is approved by special resolution, it thereupon becomes binding on the corporation and all owners of units in the building.

(4) Where a scheme is not approved as required by subsection (3), the corporation shall file a scheme with the Land Commission which may, after hearing any objections on behalf of any owners of units in the building, settle a scheme which, having regard to the rights and interests of such unit owners generally, appears just and equitable for the repair or reconstruction of the building in question.

(5) A scheme settled by the Land Commission under subsection (4) may include provisions for—

- (a) requiring any unit owner whose unit has been damaged and who does not agree to participate in the scheme to transfer his unit and his interest in the common property to the other unit owners interested in any property comprised in the condominium scheme on payment of

such compensation as the Commission thinks just;

- (b) the re-instatement of party only of the building;
- (c) the conveyance of the interests of some unit owners to other unit owners in proportion to their unit entitlement.

(6) In the exercise of its powers under subsections (4) and (5), the Land Commission may make such orders as it thinks necessary or expedient for giving effect to the scheme, including orders—

- (a) directing how insurance moneys received in respect of damage to the building should be applied;
- (b) directing such consequential amendments to be made by the Land Registrar to the registered condominium scheme, or the bye-laws applicable thereto, as the court thinks necessary;
- (c) imposing such terms and conditions as it thinks fit.

(7) Where an application is made to the Land Commission under this section, any insurer who has effected insurance against damage to the building in question, or any part thereof, may appear in person or by counsel.

(8) On any application under this section the Land Commission may make such order for the payment of costs as it thinks fit.

**Appointment of an administrator**

**34. (1)** On the application of the corporation, any unit owner or any incumbrancer of or other person having an interest in any unit, or the common property, or any judgment creditor of the corporation, the Land Commission may appoint an administrator to exercise the functions of the corporation or such of them as the Land Commission may direct.

(2) Subject to subsection (3), the Land Commission may appoint an administrator for an indefinite or fixed period on such terms and conditions as to remuneration or otherwise as it thinks fit, and, on the application of the administrator or any person referred to in subsection (1), may remove or replace him as it thinks necessary.

(3) The remuneration and expenses of any administrator appointed under this section are hereby declared to be common expenses.

(4) An administrator appointed under this section shall not delegate any of the functions so vested in him without the approval of the Land Commission.

(5) For the purposes of this section, "administrator" includes a corporation.

(6) On any application made under this section, the Land Commission may make such order for the payment of costs as it thinks fit.

35. (1) Subject to the terms of the order of the Land Commission, the administrator has all the powers and duties of the corporation under this Act and shall convene general meetings of the corporation in accordance with the bye-laws. Powers and duties of administrator

(2) Where any such power is to be exercised or such duty is to be performed in accordance with or subject to any general or special resolution, the administrator shall convene the requisite meeting of the corporation and the relevant rules in the bye-laws apply thereto.

#### PART VI MISCELLANEOUS

36. The Minister may by order, subject to affirmative resolution of the House of Representatives, prescribe fees to be charged by the Land Registrar for registration of condominium schemes under Part II. Fees

37. (1) On the application of the corporation, any unit owner or any incumbrancer or other person having an interest in land comprised in a condominium scheme, the Land Commission may order specific performance of a duty imposed by this Act, the scheme or the bye-laws applicable thereto. Performance of duties

(2) In making an order under subsection (1), the Land Commission may include such provisions or impose such conditions as it considers appropriate in all the circumstances.

(3) Nothing in this section affects prejudicially any other remedies available for enforcement of any such duty.

Application to  
State

**38.** (1) Subject to subsection (2), this Act binds the State.

(2) Where the State wishes to apply to register a condominium scheme in respect of State Land, all matters or things to be done or performed in relation thereto under this Act shall be done or performed by the Commissioner of State Lands or such other person as may be prescribed.

Registration of  
existing  
condominiums

**39.** (1) Where a scheme of development to which section 3(5) applies is in existence at the commencement of this Act, the Land Registrar may, subject to such regulations as may be made, take all such steps as are necessary to register the scheme in accordance with the provisions of this Act.

(2) Before registering a scheme under subsection (1), the Land Registrar may require amendments to be made to it under section 11 as if the scheme had been registered under this Act.

(3) Any person interested in such a scheme may request the Land Registrar, in such form as may be prescribed, to refer the matter to the Land Commission for directions before any action is taken under subsections (1) or (2) and, upon such reference, the Land Commission may make such order or give such directions as it thinks fit.

Rules or regulations

**40.** The Minister may make rules or regulations governing any matter to be prescribed under this Act or respecting any matter necessary or convenient to carry out effectively the intent and purposes of this Act.

[Section 8(1)(b)]

## FIRST SCHEDULE

## CONTENTS OF INSTRUMENT DESCRIBING CONDOMINIUM SCHEME

1. The instrument executed under section 8(1)(b) shall contain—

- (a) a title or heading describing it as a condominium scheme;
- (b) a description of the estate or interest of the person executing it in the land comprised in the scheme and of the estate or interest to be vested in each unit owner and the corporation;
- (c) a statement declaring the land comprised in the scheme to be subject to the provisions of this Act;
- (d) a description of the land comprised in the scheme, including a survey plan thereof, sufficient to identify it and its location precisely;
- (e) a description of any building on, including its location in relation to, the land comprised in the scheme, the number of storeys, basements, cellars and units and the principal materials of which it is or is to be constructed;
- (f) a description of every unit by reference to its number, location, floor area, limits and boundaries defined in accordance with paragraph 2 and any other data necessary for its proper identification;
- (g) copies of plans and diagrams of the said land and any buildings to comply with paragraph 3, together with a certificate of a duly qualified architect stating that any buildings have been constructed in accordance with the said plans and diagrams;
- (h) a description by reference to its location, area, limits and boundaries of the common property;
- (i) a statement of the covenants, conditions and restrictions affecting the use, occupancy and transfer of each unit;
- (j) a schedule stating the unit entitlement of each unit as prescribed by paragraph 4;
- (k) a schedule stating the bye-laws applicable to the scheme;
- (l) the name of the corporation and the address at which documents may be served on it;
- (m) any other matter which the person executing the instrument or the Land Registrar thinks necessary or desirable, provided it is not inconsistent with this Act;
- (n) a statement of the manner in which the scheme may be amended, provided it is not inconsistent with this Act;

- (o) a statement of all mortgages or charges affecting any land comprised in the condominium scheme, and of the debt outstanding under any such mortgage or charge.

2. The limits and boundaries of each unit shall, so far as is practicable, be defined by reference to floors, walls and ceilings and, unless the instrument provides otherwise, the common boundary of a unit with another unit or with the common property is the centre of the floor, wall or ceiling.

3. Subject to section 8(2), the plans and diagrams mentioned in paragraph 1(g) shall be, in relation to any building, a complete set of plans and diagrams of each floor, basement and cellar of the building and shall describe each unit reference to its layout, location, designation and approximate dimensions.

4. The unit entitlement of a unit shall be expressed as a fraction or percentage and shall be fixed either—

- (a) as the approximate proportion which the estimated value of a unit at the date of the instrument bears to the then aggregate value of all the units taken together; or
- (b) as the approximate proportion which the floor area of the unit at the date of the instrument bears to the then aggregate floor area of all the units taken together,

but such proportion shall reflect any substantially exclusive advantages which may be enjoyed by one or more but not all unit owners in any part of the common property.

5. The Land Registrar, after such inquiries and notices, if any, as he thinks proper, and upon production of such evidence, if any, as he may think necessary to require may—

- (a) renumber the units of any condominium scheme lodged for registration;
- (b) supply omissions and correct patent errors in any such scheme;
- (c) make any other amendment to such scheme which he considers necessary to secure compliance with this Act, or to facilitate its registration.

6. If any person having an interest in the scheme objects to any action taken or about to be taken under paragraph 5, the matter shall be referred by the Land Registrar to the Land Commission for determination and, upon such reference, the Commission may make such order as it sees fit.

## SECOND SCHEDULE [Section 26(2)]

## BYE-LAWS

## PART I

## 1. A unit owner shall—

Duties of unit  
owners

- (a) permit the corporation and its agents, at all reasonable times on notice (except in case of emergency when no notice is required), to enter his unit for the purpose of—
- (i) inspecting it and maintaining, repairing or renewing pipes, wires, cables and ducts for the time being existing in the unit and capable of being used in connection with the enjoyment of any other unit or the common property, or to renew, restore or replace any shelter afforded to any other unit or the common property;
  - (ii) ensuring that the byelaws are being observed;
- (b) pay all rent, rates, taxes, charges, outgoings and assessments that may be payable in respect of his unit (but only where a separate assessment or levy is made in respect of his unit);
- (c) repair and maintain his unit, and keep it in a state of good repair, reasonable wear and tear and damage by fire, earthquake, hurricane, storm, tempest or Act of God excepted;
- (d) use and enjoy the common property in such a manner as not unreasonably to interfere with the use and enjoyment thereof by other unit owners or their families or visitors;
- (e) not to use his unit or permit it to be used in such a manner or for such purpose as shall cause a nuisance or hazard to the occupier of any other unit (whether a unit owner or not) or the family of such occupier;
- (f) notify the corporation forthwith upon any change of ownership or of any mortgage or other dealing in connection with his unit;
- (g) in the case of a scheme registered under section 5 or, in relation to leasehold land, section 6, comply with the terms of the lease or sublease under which he holds his unit, to the extent that those terms are not inconsistent with the provisions of this Act.

## 2. The corporation shall—

Duties of  
corporation

- (a) manage, control and administer the common property for the benefit of all unit owners;
- (b) pay all rent, rates, taxes, charges, outgoings and assessments that may be payable in respect of the common property and, where no separate assessment or levy is made in respect of individual units, payable in respect of the land or buildings comprised in those units;

- (c) keep in a state of good and serviceable repair and properly maintain the fixtures and fittings (including elevators) used in connection with the common property;
- (d) where practicable establish and maintain suitable lawns and gardens on the common property;
- (e) maintain and repair (including renewal where reasonably necessary) pipes, wires, cables and ducts for the time being existing in the land comprised in the condominium scheme and capable of being used in connection with the enjoyment of more than one unit or the common property;
- (f) on the written request of the unit owner, or any incumbrancer of the unit, produce to such owner or incumbrancer, or any person authorised in writing by him, the policy or policies of insurance effected by the corporation under this Act, and the receipt or receipts for the last premium or premiums in respect thereof;
- (g) in the case of a scheme registered under section 5 or, in relation to leasehold land, section 6, comply with the terms of the lease under which it holds the common property to the extent that this is consistent with the scheme and that those terms are inconsistent with the provisions of this Act;
- (h) On the written request and at the expense of the owner of a dominant tenement enter upon a servient tenement to renew, restore or replace any shelter afforded to the dominant tenement.

Powers of  
corporation

3. The corporation may—

- (a) purchase, hire or otherwise acquire personal property for use by unit owners in connection with their enjoyment of the common property;
- (b) borrow moneys required by it in the performance of its duties or the exercise of its powers;
- (c) secure the repayment of moneys borrowed by it, and the payment of interest thereon, by negotiable instrument, or mortgage of unpaid contribution (whether levied or not), or mortgage of any property vested in it, or by a combination of those means;
- (d) invest as it may determine any moneys in the fund for administrative expenses;
- (e) make any agreement with the unit owners or occupier of any unit for the provision of amenities or services by it to such unit or to the owner or occupier thereof;
- (f) do all other things reasonably necessary for the enforcement of the bye laws and the management, control and administration of the common property, or its extension or improvement.

4. The following rules apply to general meetings of the corporation, that is to say—

General meetings  
of corporation

- (a) a general meeting shall be held within three months after registration of the condominium scheme or, within three months of registration of the first transfer of a unit to a unit owner, whichever is the later;
- (b) subsequent general meetings (hereinafter referred to as "annual general meetings") shall be held once in each year, but so that not more than fifteen months elapses between the date of one annual general meeting and that of the next;
- (c) all general meetings other than annual general meetings shall be called extraordinary general meetings;
- (d) the corporation may whenever it thinks fit and shall upon a requisition in writing made by unit owners entitled to at least twenty-five per cent of the total unit entitlement of all the units convene an extraordinary general meeting;
- (e) seven days' notice of every general meeting specifying the place, the date and the time of meeting and, in case of special business, the general nature of such business, shall be given to all unit owners and other persons entitled to vote at such meeting, but accidental omission to give such notice to or non-receipt of it by such owner or other person does not invalidate any proceedings at any such meeting;
- (f) all business is special which is transacted at an annual general meeting with the exception of consideration of accounts, or at any extraordinary general meeting;
- (g) save as is in these bye-laws provided otherwise, no business shall be transacted at any general meeting unless a quorum of persons entitled to vote is present at the time when the meeting proceeds to business;
- (h) one half of the persons entitled to vote present in person or by proxy constitutes a quorum;
- (i) if within half an hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time and, if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the persons entitled to vote present are a quorum;
- (j) at the commencement of a general meeting, a chairman of the meeting shall be elected;

- (k) within fourteen days after—
  - (i) the first general meeting, the proprietor or person registering the scheme shall file a return with the Land Registrar stating the names, addresses and particulars of the members of the executive committee elected at that meeting;
  - (ii) each annual general meeting, the chairman for that meeting shall file a return with the Land Registrar stating the names, addresses and particulars of members of the executive committee elected at that meeting.

**Executive  
committee of  
corporation**

5. The following rules apply to the executive committee of the corporation, that is to say —

- (a) the executive committee shall, subject to any restriction imposed or direction given at a general meeting, exercise the powers and perform the duties of the corporation;
- (b) the executive committee consists of not less than two nor more than nine unit owners and shall be elected at the first general meeting of the corporation and thereafter at each annual general meeting;
- (c) where there are not more than two unit owners, the executive committee consists of all the unit owners;
- (d) except where the executive committee consists of all the unit owners, the corporation may by resolution at an extraordinary general meeting remove any member of the executive committee before the expiration of his term of office and appoint another unit owner in his place to hold office until the next annual general meeting;
- (e) any casual vacancy on the executive committee may be filled by the remaining members thereof;
- (f) the quorum of the executive committee is such number as the committee may fix from time to time, being not less than one-half the number of members thereof;
- (g) at the commencement of each meeting the executive committee shall elect a chairman for the meeting, and if any chairman so elected vacates the chair during the meeting the executive committee shall elect in his stead another chairman;
- (h) at meetings of the executive committee all matters shall be determined by simple majority vote and the chairman has, in addition to an original vote, a casting vote in any case where the voting is equal;
- (i) subject to the provisions of these bye-laws, the executive committee has power to regulate its own procedure;

- (j) the validity of the proceedings of the executive committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

6. Subject to any restriction imposed or directions given at a general meeting, the executive committee may— Agents and delegation

- (a) employ for and on behalf of the corporation such agents as it thinks fit in connection with the management, control and administration of the common property and the exercise and performance of the powers and duties of the corporation.
- (b) delegate to one or more of its members such of its powers and duties as it thinks fit and may at any time revoke such delegation.

7. The executive committee shall— Minutes, accounts and documents

- (a) keep minutes of its meetings;
- (b) cause proper books of accounts to be kept in respect of all moneys received and spent by it;
- (c) prepare proper accounts relating to all moneys of the corporation, and the income and expenditure thereof, for each annual general meeting;
- (d) on the application of a unit owner or incumbrancer of a unit, or any person authorised in writing by such person, make the books of accounts available for inspection at all reasonable times;
- (e) keep true copies of the instrument describing the condominium scheme, the bye-laws relating thereto and any contracts or other documents relating to agreements with third parties for the repair or maintenance of the land or buildings comprised in the condominium scheme, together with any amendments thereto, and make such copies available for inspection at all reasonable times by any unit owner or incumbrancer of a unit, or any person authorised in writing by such person.

8. The following rules apply to voting at a general meeting of the corporation, that is to say— Voting

- (a) a resolution by the vote of the meeting shall be decided on a show of hands unless a poll is demanded by any unit owner present in person or by proxy;
- (b) unless a poll is so demanded, a declaration by the chairman that a resolution has on the show of hands been carried is conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution;
- (c) a demand for a poll may be withdrawn;
- (d) a poll, if demanded, shall be taken in such manner, in such place and at such time as the chairman thinks fit and the result of the poll shall be deemed to be the resolution of the meeting at which such poll was demanded;

- (e) in the case of equality in the votes whether on a show of hands or on a poll, the chairman of the meeting has a casting vote in addition to his original vote;
- (f) on a show of hands each unit owner has one vote;
- (g) on a poll the votes of unit owners shall correspond with the unit entitlement of their respective units;
- (h) on a show of hands or on a poll votes may be given either personally or by proxy;
- (i) an instrument appointing a proxy shall be in writing under the hand of the appointor or his solicitor or attorney, and may be either general or for a particular meeting;
- (j) a proxy need not be a unit owner;
- (k) except in a case where by or under this Act a unanimous resolution is required, no unit owner is entitled to vote at any general meeting unless all contributions payable in respect of his unit have been duly paid;
- (l) where trustees are owners of a unit, they may vote by proxy jointly appointed by them and, in the absence of such proxy, are not entitled to vote on a show of hands, except when the unanimous resolution of the unit owners is required by this Act;
- (m) any one trustee may demand a poll and, on a poll, the trustees jointly or any proxy jointly appointed by them have a vote proportionate to the unit entitlement of the unit of which they are trustees.

**Common Seal**

9. The executive committee shall provide for the safe custody of the seal which shall only be used by the authority of such committee and every instrument to which the seal is affixed shall be signed by at least two members of such committee.

**PART II****Further duties of unit owners**

1. A unit owner shall not—

- (a) use his unit for any purpose which may be illegal or injurious to the reputation of the land or any building comprised in the scheme; or
- (b) make undue noise in or about any unit or the common property; or
- (c) keep any animals (including pets) on his unit or the common property save with the permission in writing of the executive committee.

**User of unit**

2. Where the purpose for which a unit is intended to be used is shown expressly or by necessary implication on or by the registered condominium scheme, the unit owner shall not use it or permit it to be used for any other purpose.

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Passed in the House of Representatives this 6th day  
of May, 1981.

**R. L. GRIFFITH**  
*Acting Clerk of the House*

Passed in the Senate this 16th day of June, 1981.

**M. CARRINGTON**  
*Acting Clerk of the Senate*