



# LAWS OF MALAYSIA

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REPRINT

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**Act 318**

## **STRATA TITLES ACT 1985**

*Incorporating all amendments up to 1 January 2006*

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**STRATA TITLES ACT 1985**

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**LAWS OF MALAYSIA****Act 318****STRATA TITLES ACT 1985**

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**LAWS OF MALAYSIA****ACT 318****STRATA TITLES ACT 1985**

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

*[Peninsular Malaysia and  
Federal Territory of Kuala Lumpur—1 June 1985,  
P.U. (B) 276/1985]*

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

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

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

**PART I****PRELIMINARY****Short title**

1. This Act may be cited as the Strata Titles Act 1985.

## Application

2. This Act shall apply only to Peninsular Malaysia.

## Commencement

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

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

## Interpretation

4. In this Act, unless the context otherwise requires—

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

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

“Board” means the Strata Titles Board established under section 67A;

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

“by-laws”, in relation to a subdivided building, means the by-laws which are in force in respect of that building made under sections 44 and 62 and as provided for in the Third Schedule;

“certified strata plan” means the plan prepared under subsection 13(1) and certified by the Director of Survey;

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

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

“Director” means the Director of Lands and Mines for the State and includes a Deputy Director of Lands and Mines and, in the case of the Federal Territory, the Land Administrator;

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

“Federal Territory” means the Federal Territory of Kuala Lumpur;

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

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

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

“Land Administrator” means the Land Administrator for the District appointed under the National Land Code [*Act No. 56 of 1965*] and includes an Assistant Land Administrator appointed thereunder;

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

“location plan” means a location plan under subsection 10(2);

“low-cost building” means any building certified by the State Authority under section 58;

“management corporation”, in relation to any subdivided building shown in an approved strata plan, means the management corporation established under section 39, 64 or 64A;

“management fund” means a management fund established under section 45, 63 or 66;

“original proprietor” means the proprietor of the lot immediately before the subdivision of building;

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

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

“proprietor” refers to a parcel proprietor, that is to say, a person or body for the time being registered as the proprietor of a parcel, as well as to the proprietor of a provisional block, that is to say, a person or body for the time being registered as the proprietor of a provisional block;

“provisional block” means—

- (a) in relation to a proposed strata plan, a block in respect of a building proposed to be, or in the course of being, erected, for which a separate provisional strata title is applied for;
- (b) in relation to an approved strata plan, such a block shown therein, for which a provisional strata title is to be registered; and
- (c) in relation to a book of strata register, such a block shown therein, for which a provisional strata title has been registered;

“provisional share units” means the share value allotted to a provisional block shown in an approved strata plan;

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

“Registrar” means—

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

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

“share units”, in respect of a parcel, means the share units determined for that parcel as shown in the schedule of share units;

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

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

“storey” means any horizontal division of a building whether or not on the same level throughout and whether above or below the surface of the ground;

“storey plan” means a storey plan under subsection 10(3);

“strata plan” means a location plan and a storey plan, and includes a plan of division or amalgamation of any parcels shown in an approved strata plan;

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

“strata roll”, in relation to a subdivided building, means the roll maintained under paragraph 43(1)(i);

“strata title” means the title issued under section 16;

“subdivided building” means a building as subdivided under Part II;

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

**Construction of the Act**

**5.** (1) This Act shall be read and construed with the National Land Code as if it forms part thereof.

(2) The National Land Code and the rules made thereunder, in so far as they are not inconsistent with the provisions of this Act or the rules made thereunder, or are capable of applying to parcels, shall apply in all respects to parcels held under the strata titles.

(3) Notwithstanding subsection (1) and (2), the Yang di-Pertuan Agong may, from time to time, by order provide—

- (a) for the non-application of any provision of the National Land Code to this Act; or
- (b) for the application of any provision of the National Land Code to this Act subject to such variations, modifications, adaptations, additions or deletions as may be specified in the order.

(4) In the application of subsection (1) to the Federal Territory, the National Land Code shall be read as modified by the Yang di-Pertuan Agong under subsection 5(3) of the Constitution (Amendment) (No. 2) Act 1973 [*Act A206*].

(5) Any reference to the State Authority in this Act in its application in the Federal Territory and in the operation of the National Land Code as modified under subsection (4), shall be construed as a reference to the Minister charged with the responsibility for land in the Federal Territory.

**PART II****APPLICATION FOR SUBDIVISION OF A BUILDING****Buildings capable of being subdivided**

**6.** (1) Any building or buildings having two or more storeys on alienated land held as one lot under final title (whether Registry or Land Office title) shall be capable of being subdivided into parcels; and any building or buildings having only one storey on the same land shall also be capable of being subdivided into parcels to be held under strata titles or into accessory parcels.

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

**Proprietor of alienated land may apply for subdivision of a building**

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

(2) Notwithstanding subsection (1), the proprietor of any alienated land held under qualified title which has been duly surveyed and in respect of which a certified plan has been approved by the Director of Survey, may apply to the Director for the subdivision of any building thereon.

(3) For the purposes of subsections (1) and (2), an application may be made notwithstanding that the building has not yet been certified by the local authority to be fit for occupation or use.

**Circumstances in which it is compulsory for a proprietor to apply for subdivision of a building**

8. (1) The proprietor of any alienated land on which there is a completed building capable of being subdivided under section 6 shall, within the period specified in subsection (2), apply in accordance with section 10 for the subdivision of the building if at any time he has sold or agreed to sell any parcel in such building to any person.

(2) The period within which the requirement of subsection (1) shall be complied with is as follows:

(a) in the case of a building completed on a date after the commencement of this subsection—

(i) if the sale of, or agreement to sell, any parcel of the building, or the first of such sales or agreements, took place before that date, the period is six months from that date;

- (ii) if the sale of, or agreement to sell, any parcel of the building, or the first of such sales or agreements, took place after that date, the period is six months from the date of the sale or agreement or the first of such sales or agreements;
- (b) in the case of a building completed on a date before the commencement of this subsection—
  - (i) if the sale of, or agreement to sell, any parcel of the building, or the first of such sales or agreements, took place before that date, the period is six months from the commencement of this subsection;
  - (ii) if the sale of, or agreement to sell, any parcel of the building, or the first of such sales or agreements, took place after that date, the period is six months from the commencement of this subsection or six months from the date of the sale or agreement or the first of such sales or agreements, whichever is the longer.

(3) For the purpose of subsection (1) an application for the approval of the Director to the subdivision of a building shall be treated as not being in accordance with section 10 if the application is defective by reason of any material non-compliance with any of the requirements of that section pertaining to the application.

(4) The period specified in subsection (2) may, on application made before its expiry be extended once by the Director by any further period not exceeding three months.

(5) Where an application is not made within the period specified in subsection (2) and in the case of subsection (4) within the period of such extension, if any, applied for and granted in respect of a building, the proprietor shall be guilty of an offence, and liable on conviction to a fine of not less than ten thousand ringgit but not more than one hundred thousand ringgit and to a further fine of not less than one hundred ringgit but not more than one thousand ringgit for each day the offence continues to be committed.

(6) For the purposes of subsection (2), the date on which a building is completed shall be the date on which it is certified by any public or local authority to be fit for occupation or use.



**Conditions for approval**

**9. (1)** The Director shall not approve the subdivision of any building unless the following conditions are satisfied:

- (a) that it has been certified by a land surveyor—
  - (i) that the building or buildings are situated wholly within the boundaries of the lot in question; or
  - (ii) that, discounting any eave, awning, and any balcony not forming part of a proposed parcel, which project over a road reserve, the building or buildings are so situated;

and, in a case where the certificate is one under subparagraph (ii), that there subsists a permit or permits issued under section 75A of the National Land Code in respect of every such eave, awning and balcony;

- (b) that, in the case of any building for the erection of which planning permission was required—
  - (i) it has been certified by an architect registered under the Architects Act 1967 [Act 117] or by a professional engineer registered under the Registration of Engineers Act 1967 [Act 138] that the building was constructed in accordance with the plans and specifications by reference to which that permission was given, stating therein the date on which such permission was given and the reference number thereof (if any); or
  - (ii) the case falls under subsection 10(6A) and the requirements of that subsection have been satisfied;
- (c) that the subdivision would not contravene any restriction in interest to which the land comprised in that lot is for the time being subject;
- (d) that the subdivision would not be contrary to the provisions of any written law for the time being in force, and that any requirements imposed with respect thereto by or under any such written law have been complied with;
- (e) that no item of land revenue is outstanding in respect of the land;

- (f) that consent in writing to the making of the application has been obtained from every person who at the time when approval was applied for, was entitled to the benefit of—
- (i) *(Deleted by Act A753)*;
  - (ii) a lease of the whole or any part thereof, other than a part corresponding precisely with, or included within, one of the parcels to be created upon subdivision;
  - (iii) a charge of such a lease; or
  - (iv) a lien over any such lease;
- (g) that the proposed share units assigned to the parcels by the proprietor of the lot in his application in Form 1 are equitable;
- (h) that each of the proposed parcels has—
- (i) adequate means of access not passing through another parcel; and
  - (ii) adequate means of internal communication not passing through the common property;
- (i) that, where the land on which the building or buildings stand is held for a term of years, there still remains a period of not less than twenty-one years to run;
- (j) that the land on which the building or buildings stand is not subject to any charge or lien;
- (k) that, where the land is held under qualified title as specified in subsection 7(2), the final title to the land has been registered; and
- (l) that the building to be subdivided has been certified by the local authority to be fit for occupation or use.

(2) In the case of an application involving a provisional block or blocks by virtue of subsection 10A(1), the Director shall not approve the subdivision of any building to which the application relates unless the following additional conditions are also satisfied:

- (a) that it has been certified by a land surveyor that the position of each provisional block as delineated on the

location plan is wholly within the boundaries of the lot in question;

- (b) that the quantum of provisional share units assigned to each provisional block by the proprietor of the lot in his application in Form 1 is equitable; and
- (c) that proprietor has given the date by when he undertakes that the construction of the building or each building to which the provisional block or blocks relate will be completed, has paid to the Director in respect of each provisional block a deposit of such reasonable amount as the Director may require, and has furnished a written statement to the effect that he agrees that the amount be forfeited to the Government in the event that, by that date or by such later date as the Director may allow, the construction of the building to which the provisional block relates is not completed or, if completed, the building has not been certified by a public or local authority to be fit for occupation or use.

### **Application for subdivision of building**

**10.** (1) Any application for the approval of the Director for the subdivision of any building shall be made in writing in Form 1 to the Land Administrator and shall be accompanied by—

- (a) such fee as may be prescribed;
- (aa) except in a case falling under subsection (6A), the building plans approved by the planning authority, to be submitted in triplicate;
- (b) a proposed strata plan comprising a location plan, and a storey plan in respect of each storey of each building, to be submitted in triplicate containing such details as are specified in subsections (2) and (3) respectively and certified by a land surveyor as follows:
  - (i) that he has made a comparison of the plans to the original plans of the building and any approved amendments thereto prepared by the architect or professional engineer responsible for its construction, or, in a case falling under subsection (6A), to the plans of the building and any approved amendments thereto mentioned in paragraph (a) of that subsection; and

- (ii) in the case of a storey plan, that the boundaries of the parcels shown thereon follow features of permanent construction appearing in the building;
  - (c) the certificates of a land surveyor, registered architect or registered professional engineer, referred to in paragraph 9(i)(a), and subparagraph 9(1)(b)(i), and, where applicable, the certificate of a land surveyor referred to in paragraph 9(2)(a);
  - (ca) a permit or permits referred to in paragraph 9(1)(a), in a case where the certificate of a land surveyor is one under subparagraph (ii) of that paragraph;
  - (cb) in a case where the land is held under qualified title as specified in subsection 7(2), the certified plan of the land as approved by the Director of Survey, to be submitted in triplicate;
  - (d) the written consents to the making of the application of every person who, at the time of the application, is entitled to the benefit of—
    - (i) a charge of the land;
    - (ii) a lease of the whole or any part thereof, other than a part corresponding precisely with, or included within, one of the parcels to be created upon subdivision;
    - (iii) a charge of such a lease; or
    - (iv) a lien over the land or any such lease;
  - (e) subject to subsection (7), the issue document of title of the lot.
- (2) Every location plan shall—
- (a) specify the number of the lot, the title number of the land comprised therein and the area thereof;
  - (b) delineate the boundaries and boundary marks of the lot and the position of all buildings thereon, showing which of these buildings are to be subdivided;
  - (c) include a vertical section of each such building showing—
    - (i) the floor and ceiling of each storey; and
    - (ii) the height of each storey;

(d) *(Deleted by Act A753)*;

(e) contain such other details as may be prescribed.

(3) Every storey plan shall—

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

(b) delineate, subject to paragraphs 5(a) and (b), each proposed parcel and define the boundaries thereof by reference to floors and walls showing the horizontal dimensions, without it being necessary to show the bearing;

(c) indicate in respect of each such parcel the number by which it is described in Form 1;

(d) specify the approximate floor area of each parcel;

(e) distinguish such parts as are not to be included in any of the parcels but are to become part of common property;

(f) *(Deleted by Act A753)*;

(g) contain such other details as may be prescribed.

(4) Every proposed strata plan shall show a legend of—

(a) all parcels;

(b) all common property; and

(c) 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;

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

(5) Where an accessory parcel—

(a) consists of a building or parts thereof and is bounded by external walls, floors and ceilings, the dimensions and boundaries of such accessory parcel shall be shown in the proposed strata plan in accordance with the requirements of subsections (2) and (3);

(b) does not consist of a building or parts thereof—

- (i) the external boundaries of the accessory parcel shall be ascertained from the building plans approved by the planning authority, and the accessory parcel shall be up to a reasonable height or to the extent of any projection above or encroachment below ground level by another part of the lot; and
- (ii) the proposed strata plan shall show a diagram of the accessory parcel with similar dimensions as those shown on the approved plans mentioned in subparagraph (i).

(6) Every proposed strata plan shall—

- (a) show the proposed share units in whole numbers of each parcel and the total share units of all the parcels; and
- (b) contain such other particulars as may be prescribed by rules made under section 81.

(6A) If the plans and specifications by reference to which planning permission for the erection of the building was given are not available, so that it is not possible to give the certificate required by subparagraph 9(1)(b)(i), the application under subsection (1) shall be accompanied—

- (a) in lieu of the building plans mentioned in paragraph (aa) of that subsection, by plans of the building, in triplicate, certified by an architect registered under the Architects Act 1967 as having been drawn according to the actual features of the building and as truly representing those features; and
- (b) in addition to the other matters required under subsection (1), by the certificate of a duly authorized officer of the appropriate local planning authority that the building as represented by the plans mentioned in paragraph (a) was erected with planning permission but the plans and specifications by reference to which that permission was given are no longer available, and that the local planning authority is nevertheless satisfied that the building as so represented satisfies planning requirements.

(7) An application under subsection (1) may be submitted without the issue document of title to the lot if that document is in the hands of any person as chargee or lien-holder, and in any such case, the application shall be accompanied by a copy of a request by the proprietor served on that person for the production of the document at the Land Office within fourteen days of the date thereof.

(8) Upon receipt of any application under subsection (1), the Land Administrator shall endorse, or cause to be endorsed, a note of the making thereof on the register document of title, and shall then—

- (a) refer the application to the Director of Survey;
- (b) in the case where the land is held under qualified title as specified in subsection 7(2), take appropriate action in respect of the conversion of the qualified title to final title; and
- (c) in the case where the building to be subdivided has not yet been certified to be fit for occupation or use, forthwith inform the applicant to obtain the certificate of fitness for occupation from the local authority within the time specified.

(9) The Director of Survey shall thereupon check the location and storey plans and carry out or cause to be carried out such survey of the land, any of the buildings thereon or any of the parcels as he may consider desirable, and shall—

- (a) advise the Land Administrator as to whether the plans are in order;
- (b) notify the Land Administrator of the amount of fees to be collected upon approval of the application in respect of such survey; and
- (c) notify the Land Administrator of the amount of fees to be collected in respect of the plans caused to be prepared in the event of the approval of the application.

(10) The Land Administrator shall thereupon if he is satisfied that the application and the other documents presented therewith are in order, transmit them to the Director together with his recommendations for approval or rejection:

Provided that no application shall be so transmitted without the issue document of the lot and accordingly in a case falling within subsection (7), if that document is not duly produced at the Land Office, the Land Administrator shall, if unable to secure its production, prepare or cause to be prepared, title in continuation (or where appropriate, a duplicate issue document of title only) under Chapter 3 of Part Ten of the National Land Code as if the circumstances were as specified in paragraph 166(1)(c) of the Code:

And provided further that—

- (a) where the land is held under qualified title, the final title thereto has been registered by the registering authority; and
- (b) where the building has not yet been certified fit for occupation or use, the certificate has since been obtained and has been submitted by the applicant.

### **Application for subdivision in the case of phased developments**

**10A.** (1) An application under section 10, except where it relates to a low-cost building or buildings, may include an application for the issue of a provisional strata title or titles for a provisional block in respect of a building, being a building capable according to section 6 of being subdivided, proposed to be, or in the course of being, erected on the lot in question:

Provided that no building or buildings having only one storey shall be included in the application for the issuance of a provisional strata title or titles for the provisional block or blocks.

(2) Where an application under section 10 involves a provisional block or blocks by virtue of subsection (1), the following requirements relating to the provisional block or blocks shall, in addition to the requirements of section 10 relating to the particular building or buildings to be subdivided, be observed in making the application:

- (a) the application shall be accompanied by the building plans approved by the planning authority for the building or buildings to be, or in the course of being, erected, to be submitted in triplicate;
- (b) the location plan shall include a legend, and shall delineate the position, of each provisional block, showing, in



accordance with the approved building plans, the vertical section and dimensions of the building to which the provisional block relates;

- (c) the application shall be accompanied, as forming part of the proposed strata plan, by a storey plan in triplicate in respect of each provisional block, which shall delineate the external boundaries, and show, in accordance with the approved building plans, the horizontal dimensions of the building to which the provisional block relates, without it being necessary to show any bearings; and
- (d) the proposed strata plan shall show the proposed quantum of provisional share units for each provisional block.

### **Withdrawal of applications**

**11.** An application under subsection 10(1) not be capable of being withdrawn except with the concurrence of the Director; and the Director shall not give his concurrence unless he is satisfied that the withdrawal is not, or will not be, detrimental to the interests of any person who has purchased or agreed to purchase any parcel of the building in question.

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

**12.** (1) On receiving any application made under section 10, the Director shall—

- (a) approve the subdivision if it appears to him that the conditions specified in section 9 are satisfied; and
- (b) in any other case, reject the application.

(2) Where he has approved any application for subdivision of building, the Director shall—

- (a) transmit to the Director of Survey the application and other accompanying documents; and
- (b) notify the Land Administrator of the approval and direct him to collect from the proprietor, fees as notified by the Director of Survey under subsection 10(9) and fees for the preparation and registration of strata titles.

(3) Where he has rejected any such application, the Director shall notify the Land Administrator who shall forthwith inform the proprietor and shall cancel or cause to be cancelled the note thereof endorsed on the register document of title pursuant to subsection 10(8).

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

**13.** (1) Upon receipt of the approved application and the other documents presented therewith and upon being informed by the Land Administrator that the fees referred to in paragraph 12(2)(b) have been duly paid, the Director of Survey shall—

- (a) from the relevant location plan and storey plans, prepare or cause to be prepared a certified strata plan complying with the requirements of subsection (2), with such modifications as he may consider necessary;
- (b) file the certified strata plan in his office;
- (c) prepare one copy of the certified strata plan for retention by the Registrar;
- (d) prepare additional copies of the certified strata plan, or copies of the various folios thereof as mentioned in subsection (4), for the purpose of attaching them to the issue documents of title to the parcels which are to be created on the subdivision; and
- (e) transmit to the Director, the copies so prepared, together with the approved application and other accompanying documents.

(2) The certified strata plan referred to in paragraph (1)(a) shall be a plan delineating, on as many folios as may be considered most suitable for the purpose, the storeys of the building or buildings to be subdivided, and the parcels within each storey and every folio shall contain also—

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

- (c) a schedule showing the approved share units of each parcel and the total number of share units of all the parcels.

(3) For the purposes of the preparation of any such certified strata plan, the common boundary of any parcel of a building with any other parcel, or with any part of the building which is not included in any of the parcels, shall, except in so far as it may have been otherwise provided in the relevant storey plans, be taken to be the centre of the floor, wall or ceiling, as the case may be.

(4) The number of additional copies of the certified strata plan to be prepared pursuant to paragraph (1)(d) shall be as follows:

- (a) where any such plan consists of one folio only, the number of copies shall be equal to the number of parcels shown thereon; and
- (b) where any such plan consists of two or more folios, the number of copies of each folio to be so prepared shall be equal to the number of parcels shown on that folio.

(5) For the purposes of this section, the certified strata plan in respect of a provisional block shall contain a plan showing the position of the provisional block and the vertical section of the block.

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

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

### **Failure to pay amount demanded**

**14A.** (1) If the proprietor fails to pay any amount demanded pursuant to subsection 12(2) within one month of being served with the demand, he shall be guilty of an offence, and liable on conviction to a fine not exceeding one thousand ringgit and to a further fine not exceeding fifty ringgit for each day the offence continues to be committed.

(2) The period specified in subsection (1) may, on application made before its expiry, be extended once by the Director by any further period not exceeding one month.

### PART III

#### REGISTRATION OF STRATA TITLES

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

**15.** (1) The Registrar shall prepare and maintain for the purposes of this Act a register of strata titles to be known as the strata register.

(2) The strata register shall consist of a series of books, each relating to one lot, and every such book shall contain—

- (a) an index in Form 2 to the individual parcels and, if any, appurtenant accessory parcels and to the individual provisional block, if any, comprised in the lot;
- (b) a statement in Form 3 which subject to subsections (4), (5) and (6) shall—
  - (i) set out, or where appropriate summarize so far as they relate to matters capable of affecting any of those parcels or provisional blocks, all memorials, endorsements and other entries which appeared on the register document of title to the lot at the time the statement was authenticated by the Registrar; or
  - (ii) confirm that there were no such entries;
- (c) a copy of the certified strata plan prepared under paragraph 13(1)(a); and
- (d) the register document of title to each parcel and each provisional block.

(3) The name of the management corporation, and the address for the service of documents thereon, required to be stated in the index in Form 2 shall be supplied to the Registrar by the proprietor of the lot.

(3A) Where the proprietor of the lot, after being given reasonable notice by the Registrar, fails to supply the name of the management corporation or the address for service of documents thereon as required by subsection (3), the Registrar—

- (a) as regards the name of the management corporation, shall himself determine the name to be stated in the index in Form 2; or
- (b) as regards the address for service, shall cause to be stated in the index in Form 2 the postal address of any building erected within the lot.

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

(5) The Registrar shall, in the case of private caveats or Registrar's caveats appearing on the register document of title to the lot, if satisfied that such caveats affect only particular parcels created on the subdivision, endorse such caveats on the register documents of title to the parcels in question.

(6) Where the Registrar is unable to ascertain to his satisfaction the caveats which affect the particular parcels, he may, instead of setting out or summarizing them, endorse a statement in Form 3 to the effect that the lot is so subject to the caveats entered on the register document of title to the lot:

Provided that the Registrar may at any time thereafter, if it can be ascertained to his satisfaction that such caveats relate to particular parcels, endorse such caveats on the register documents of title to the parcels in question.

### **Documents of strata title**

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

- (a) a parcel; and

(b) a provisional block, if any.

(2) The documents of strata title to be prepared by the Registrar in respect of any parcel or provisional block under subsection (1) shall consist of—

(a) a register document of title in Form 4 in respect of a parcel and in Form 4A in respect of a provisional block;

(b) an issue document of title, consisting of a copy of the register document to which shall be attached—

(i) the copy of the certified strata plan or of the relevant folio of that plan prepared under paragraph 13(1)(d); and

(ii) where appropriate, a copy of the 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 title shall be such as may be prepared in accordance with Part V of this Act.

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

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

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

(6) Sections 89 to 91 of the National Land Code shall apply to documents of strata title 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 authorize the issue of the document of title thereto to the proprietor of the parcel.

**Effect of opening of book of strata register**

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

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

(3) In its application to a low-cost building, this section shall be construed with the omission of—

(a) all the words in subsection (1) after the words “has been opened”; and

(b) subsection (2).

**Share units of parcels**

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

**Provisional share units of a provisional block**

**19.** 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.

PART IV

PROVISIONAL BLOCK: ISSUE OF STRATA TITLES UPON  
COMPLETION OF BUILDING

**Application for strata titles upon completion of building**

**20.** (1) The proprietor of a provisional strata title shall, as soon as a building in respect of that title has been completed and certified by the public or local authority to be fit for occupation or use, but in any case within six months from the date the building is so

certified, make an application for the approval of the Director for the issue of separate strata titles to the parcels in the completed building.

(1A) The period specified in subsection (1) may, on application made before its expiry, be extended once by the Director by any further period not exceeding three months.

(2) The application shall be made in writing in Form 5 to the Land Administrator and shall be accompanied by—

- (a) such fee as may be prescribed;
- (b) a certificate of an architect registered under the Architects Act 1967 or of a professional engineer registered under the Registration of Engineers Act 1967 that the provisional block has been completed in accordance with the approved building plan and any approved amendments thereto;
- (ba) a copy of the approved building plan and approved amendments thereto referred to in paragraph (b);
- (c) a storey plan in triplicate in respect of each storey of the completed building, duly certified by a land surveyor as required under paragraph 10(1)(b) and containing such details as are specified in subsection (3) of that section;
- (ca) a certificate by a land surveyor—
  - (i) that the building is situated wholly within the boundaries of the lot in question; or
  - (ii) that, discounting any eave, awning, and any balcony not forming part of a proposed parcel, which project over a road reserve, the building is so situated;

and, in a case where the certificate is one under subparagraph (ii), a subsisting permit or permits issued under section 75A of the National Land Code in respect of every such eave, awning and balcony;

- (cb) a certificate by a land surveyor—
  - (i) that the building is situated wholly within the boundaries of its position as delineated in the location plan in compliance with paragraph 10A(2)(b); or



- (ii) that, discounting any eave, awning, and any balcony which does not form part of a proposed parcel, the building is so situated;
  - (d) a certificate issued by a public or local authority stating that the building is fit for occupation or use;
  - (e) a statement showing the proposed allocation of the provisional share units among the new parcels; and
  - (f) the issue document of provisional strata title.
- (3) Upon receipt of the application, the Land Administrator shall—
- (a) endorse or cause to be endorsed a note of the making of the application on the register document of title of the provisional block; and
  - (b) refer the application to the Director of Survey and transmit to him a copy of the plan submitted under subsection (2).
- (4) The Director of Survey, upon receiving the copy of the plan transmitted by the Land Administrator shall check the said plan and carry out or cause to be carried out such survey of the building or parcels as he may consider desirable, and shall—
- (a) advise the Land Administrator as to whether the plans are in order;
  - (b) notify the Land Administrator of the amount of fees to be collected upon approval of the application in respect of such survey; and
  - (c) notify the Land Administrator of the amount of fees to be collected in respect of the plans caused to be prepared in the event of the approval of the application.
- (5) Upon receiving the advice of the Director of Survey, the Land Administrator shall transmit to the Director, the application and its accompanying documents together with his recommendations.

**Power of Director of Lands and Mines in relation to application**

**21.** (1) The Director shall, upon being satisfied that—

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

- (aa) there has been no change in the number of parcels comprised in the building and the total floor area of the building, as indicated in the building plans submitted pursuant to paragraph 10A(2)(a), and there has been no change in the total share units for the parcels from the quantum of provisional share units shown pursuant to paragraph 10A(2)(d);
- (b) the proposed allocation of share units among the new parcels is equitable;
- (c) there is adequate means of access to each parcel not passing through another parcel; and
- (d) there is adequate means of internal communication not passing through the common property,

approve the application.

- (2) Where he has approved any application, the Director shall—
  - (a) transmit to the Director of Survey the application and other accompanying documents; and
  - (b) notify the Land Administrator of the approval and direct him to collect from the proprietor, fees as notified by the Director of Survey under subsection 20(4) and fees for the preparation and registration of strata titles.

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

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

- (a) the preparation of a new certified strata plan incorporating the changes made to the original certified strata plan by the storey plan referred to in paragraph 20(2)(c), for filing in his office in place of the original certified strata plan; and
- (b) the preparation of a copy of the new certified strata plan for retention by the Registrar and additional copies thereof for attaching to the issue documents of title of the new parcels,

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

### **Failure to apply under section 20**

**22A.** Where an application under subsection 20(1) is not made within the period specified in that subsection, or within that period as extended under subsection (2) of that section, the proprietor of the provisional strata title shall be guilty of an offence, and liable on conviction to a fine not exceeding five thousand ringgit and to a further fine not exceeding one thousand ringgit for each day the offence continues to be committed.

### **Failure to pay amount demanded**

**22B.** (1) If the proprietor of the provisional strata title fails to pay any amount demanded pursuant to subsection 21(2) within one month of being served with the demand, he shall be guilty of an offence, and liable on conviction to a fine not exceeding one thousand ringgit and to a further fine not exceeding fifty ringgit for each day the offence continues to be committed.

(2) The period specified in subsection (1) may, on application made before its expiry, be extended once by the Director by any further period not exceeding one month.

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

**23.** (1) Upon receiving from the Director of Survey the copies of the new certified strata plan and the other accompanying documents and upon being informed by the Land Administrator that the fees for preparation and registration of strata titles have been paid, the Director shall direct the Registrar to take action as specified in subsection (2).

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

- (a) replace the copy of the original certified strata plan in the relevant book of the strata register with the copy of the new certified strata plan prepared for his retention;

- (b) amend the schedule of share units of the parcels and make such other alterations in the relevant book of the strata register as are necessary to take account of the changes as a result of the completion of the building;
- (c) prepare, register and issue in accordance with section 16, strata titles in respect of the new parcels;
- (d) endorse on the register document of title in respect of the former provisional block a statement to the effect that strata titles (specifying the title numbers thereof) have been issued to the new parcels in the completed building; and
- (e) destroy the issue document of provisional strata title.

## PART V

### SUBDIVIDED BUILDINGS: DIVISION AND AMALGAMATION OF PARCELS

#### **Interpretation**

**24.** In this Part, unless the context otherwise requires, the words—

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

“amalgamation” means an amalgamation of parcels;

“application” means an application to divide or amalgamate parcels;

“division” means a division of a parcel;

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

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

**25.** (1) A parcel proprietor may, with the approval of the Director—

- (a) divide his parcel into two or more new parcels, each to be held by him under a separate strata title; or

(b) where he holds two or more contiguous parcels, amalgamate them to form one parcel to be held by him under a single strata title.

(2) For the purposes of paragraph (1)(b) any two or more parcels shall be taken to be contiguous if each of them shares at least one boundary, including a boundary which consists of a floor or ceiling, with another of them.

(3) Where the division of a parcel or the amalgamation of two or more parcels results in the creation of any additional or new common property, the proprietor shall obtain the written consent of the management corporation before making the application under section 28 for the approval of the Director.

### **Effect of division or amalgamation**

**26.** (1) On a division, the number of share units of each parcel shall be a whole number allotted by the proprietor of the divided parcel as approved by the Director:

Provided that the total number of share units of all the new parcels shall be equal to the number of share units of the divided parcel.

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

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

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

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

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

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

### **Application for approval**

**28.** (1) Any application for the approval of the Director to a division or an amalgamation shall be made in writing in Form 6 or 7, as the case may be, to the Land Administrator and shall be accompanied by—

- (a) such fee as may be prescribed;
- (b) a plan in triplicate, duly certified by a land surveyor and showing all the details of the division or amalgamation;
- (c) a statement from the applicant of the number of share units of the new parcel or parcels;
- (d) all such written consents to the making of the application as are required under paragraph 27(d);
- (da) the written consent of the management corporation to the making of the application as required under paragraph 27(da); and
- (e) the issue documents of title of the affected parcel or parcels.

(2) Upon receiving any application, the Land Administrator shall—

- (a) endorse or cause to be endorsed a note of the making of the application on the register document of title to each affected parcel; and
- (b) refer the application to the Director of Survey and transmit to him a copy of the plan submitted under subsection (1).

### **Action by Director of Survey**

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

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

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

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

31. (1) The Director, upon receiving the application and its accompanying documents from the Land Administrator, shall—

- (a) approve the division or amalgamation to which the plan relates if it appears to him that the conditions specified in section 27 are satisfied; and
- (b) in any other case, reject the application.

(2) Where the Director has rejected an application, he shall notify the Land Administrator who shall forthwith inform the proprietor and shall cancel or cause to be cancelled the note thereof endorsed on the register document of title under subsection 28(2).

(3) Where the Director has approved a division or an amalgamation, he shall—

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

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

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

- (a) preparation of a new certified strata plan incorporating the changes made by the division or amalgamation, for filing in his office in place of the original certified strata plan; and
- (b) preparation of a copy of the new certified strata plan for retention by the Registrar and additional copies thereof for attaching to the issue documents of title,



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

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

**33.** (1) Upon receiving from the Director of Survey the copies of the new certified strata plan and other accompanying documents, and upon being informed by the Land Administrator that the fees in respect of the preparation and registration of strata title to the new parcel or parcels have been duly paid, the Director shall direct the Registrar to take action as specified in subsection (2).

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

- (a) replace the copy of the original certified strata plan in the relevant book of the strata register with the copy of the new certified strata plan prepared for his retention;
- (b) amend the schedule of share units of the parcels and make such other alterations in the relevant book of the strata register as are necessary to take account of the changes made by the division or amalgamation; and
- (c) issue title in continuation to the new parcel or parcels as if he were issuing title in continuation to land subdivided or amalgamated under Chapter 1 or 3 of Part Nine of the National Land Code.

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

**33A.** Upon the registration of the strata title or titles to the new parcel or parcels upon the division or amalgamation, the parts of any parcel which are created as common property shall be deemed to form part of the common property in relation to all the parcels comprise within the subdivided building.

## PART VI

RIGHTS AND OBLIGATIONS ATTACHING TO INDIVIDUAL  
PARCELS AND PROVISIONAL BLOCKS**Rights of proprietor in his parcel and common property**

**34.** (1) Subject to this section and other provisions of this Act, a proprietor shall have—

(a) in relation to his parcel (in the case of a parcel proprietor), the powers conferred by the National Land Code on a proprietor in relation to his land; and

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

(2) No rights in an accessory parcel shall be dealt with or disposed of independently of the parcel to which such accessory parcel has been made appurtenant.

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

**Rights of support, service and shelter**

**35.** (1) In favour of and against each parcel proprietor there shall be implied a right of support and a right of service.

(2) Each parcel proprietor shall be entitled to have his parcel sheltered by all such parts of the subdivided building as are capable of affording shelter and may, for the purpose of replacing, renewing or restoring any such shelter, enter upon the common property or any other parcel.

(3) The rights and obligations mentioned in subsections (1) and (2) shall be effective without memorial or notification in the strata register, and there shall be implied in respect of them such ancillary rights and obligations as are reasonably necessary to make them effective.

(4) In this section—

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

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

### **Share unit entitlements**

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

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

### **Restrictions on voting rights**

**37.** (1) Where a parcel proprietor is for any reason, unable to control his property, the powers of voting conferred on him by the Second Schedule shall be exercisable by the person who is for the time being authorized by law to control that property.

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

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

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

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

(b) may, in any other case,

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

**PART VII****MANAGEMENT OF A SUBDIVIDED BUILDING****Establishment of management corporation**

**39.** (1) Upon the opening of a book of the strata register in respect of a subdivided building there shall, by the operation of this section, come into existence a management corporation consisting of all the parcel proprietors including in the case of phased development, the proprietor of the provisional block or blocks.

(2) The management corporation established by subsection (1) shall be known by the name appearing in the book of the strata register relating to a subdivided building, and shall be a body corporate having perpetual succession and a common seal.

(2A) The management corporation may apply to the Registrar for a certificate certifying that the management corporation is a body corporate constituted under this Act on the day specified in the certificate.

(3) The management corporation may sue and be sued.

(4) The management corporation shall elect a council which, subject to any restriction imposed or direction given by the management corporation at a general meeting, shall perform the

management corporation's duties and conduct the management corporation's business on its behalf, and may for that purpose exercise any of the management corporation's powers.

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

### **Restrictions imposed on management corporation during initial period**

**40.** (1) Notwithstanding any other provisions of this Act, the management corporation shall not, during the initial period—

- (a) amend, add to or repeal its by-laws in such a manner that a right is conferred or an obligation is imposed on one or more but not all, proprietors or in respect of one or more, but not all, parcels or provisional blocks;
- (b) borrow moneys or give securities; or
- (c) enter into any maintenance or service contracts for any periods extending beyond the expiration of the initial period.

(2) Without prejudice to any other remedy available against the original proprietor, if a management corporation contravenes subsection (1), the original proprietor shall be liable for any loss suffered by the management corporation or any parcel proprietor as a result of the contravention and the management corporation or any parcel proprietor may recover from the original proprietor as damages for breach of a statutory duty, any loss suffered by it or him in consequence of such contravention.

### **Duty of original proprietor to convene first annual general meeting**

**41.** (1) It shall be the duty of the original proprietor to convene the first annual general meeting of the management corporation within one month after the expiration of the initial period.

(2) If the original proprietor fails to comply with subsection (1), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand ringgit.

(3) Without prejudice to subsections (1) and (2), if the original proprietor fails to convene the first annual general meeting within the specified period, the Director may, on application by the management corporation, a proprietor or chargee of a parcel, appoint a person to convene the first annual general meeting of the management corporation within such time as may be specified by the Director.

(4) The original proprietor shall give a written notice of the first annual general meeting to all parcel proprietors constituting the management corporation not less than fourteen days before the meeting.

(5) The agenda for the first annual general meeting shall include the following matters:

- (a) to decide whether to confirm, vary or extend insurances effected by the management corporation;
- (b) to decide whether to confirm or vary any amounts determined as contributions to the management fund;
- (ba) to determine the portion of contribution to the management fund to be paid into the special account to be maintained under section 46;
- (c) to determine the number of members of the council and to elect the council where there are more than three proprietors; and
- (d) to decide whether to amend, add to or repeal the by-laws in force immediately before the holding of the meeting.

### **Contributions payable by parcel proprietors**

**41A.** Where the first annual general meeting of a management corporation in respect of a subdivided building has not yet been convened, the proprietor of each of the parcels or provisional blocks, if any, in the subdivided building shall, commencing from the opening of the book of the strata register in respect of the subdivided building, pay to the management corporation any such sum which has been approved by the Director as the amount payable for the maintenance of the subdivided building and the common property and such sum shall be deemed to be the amount determined by the management corporation as the contribution payable by the proprietors to the management fund of the management corporation.

**Ownership of common property and custody of issue document of title**

**42.** (1) The management corporation shall, on coming into existence, become the proprietor of the common property and be the custodian of the issue document of title of the lot.

(2) The management corporation shall have in relation to the common property the powers conferred by the National Land Code on a proprietor in relation to his land:

Provided that—

- (i) except where it is specifically provided otherwise in this Act, those powers may be exercised only on the authority of a unanimous resolution; and
- (ii) the corporation shall not have power to transfer any portion of the common property which forms part of the building or of the land on which the building stands.

**Duties and powers of management corporation**

**43.** (1) The duties of the management corporation include the following:

- (a) to manage and properly maintain the common property and keep it in a state of good and serviceable repair;
- (b) to insure and keep insured the subdivided building to the replacement value thereof against fire and such other risks as may be prescribed under this Act;
- (c) to effect such other insurance of the subdivided building as may be required by law;
- (d) to insure against such other risks as the proprietors may by special resolution direct;
- (e) to apply insurance moneys received by it in respect of damage to the subdivided building in rebuilding and reinstating it in so far as it may be lawful to do so, subject to any order made by the court under section 56;
- (f) to pay premiums on any insurance effected by it;

- (g) to comply with any notices or orders given or made by any competent public or statutory authorities requiring the abatement of any nuisance on the common property, or ordering repairs or other work to be done in respect of the common property or any building or other improvements on the lot;
- (h) to comply with any such notices or orders as are referred to in paragraph (g) given or made in respect of any of the parcels, if the proprietor fails to do so within a reasonable time;
- (i) to prepare and maintain, in such form as may be prescribed, a strata roll for the subdivided building; and
- (j) to pay the rent of the lot.

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

- (a) to recover from any parcel proprietor any sum expended by the management corporation in respect of that proprietor's parcel in complying with any such notices or orders as are referred to in paragraph (1)(h);
- (b) to purchase, hire or otherwise acquire movable property for use by the parcel proprietors in connection with their enjoyment of the common property;
- (c) to borrow moneys required by it in the exercise of its powers or the performance of its duties;
- (d) to secure the repayment of moneys borrowed by it and the payment of interest thereon by negotiable instrument or by a charge of unpaid contributions to the management fund, (whether already levied or not) by a charge of any property vested in it or by a combination of any of those means;
- (e) to collect during the initial period by way of contributions from proprietors in proportion to the share units or provisional share units of their respective parcels or provisional blocks; and
- (f) to do all things reasonably necessary for the performance of its duties under this Part and for the enforcement of the by-laws set out in the Third Schedule.



(3) The management corporation shall be deemed—

- (a) for the purposes of effecting any insurance under paragraph (1)(b) or (c), to have an insurable interest in the subdivided building equal to its replacement value; and
- (b) for the purposes of effecting any insurance under paragraph (1)(d), to have an insurable interest in the subject matter of the insurance.

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

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

- (a) in the case where the repairs, work or act were or was wholly or substantially the liability or the responsibility of the proprietor of a parcel only, be recoverable by the management corporation in an action in a court of competent jurisdiction as a debt due to it jointly and severally from—
  - (i) the relevant proprietor of the parcel at the time when the repairs, work or act were or was performed; and
  - (ii) the relevant proprietor of the parcel at the time when the action was commenced; or
- (b) in the case where the repairs, work or act were or was wholly or substantially for the benefit of some of the parcels only, or wholly or substantially the liability or the responsibility of the proprietors of some of the parcels

only, be recoverable by the management corporation in an action in a court of competent jurisdiction as a debt due to it jointly and severally from—

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

the amount payable by any proprietor and former proprietor in respect of any parcel being not more than the proportion of the debt which the share unit of the parcel then bears to the total share units of all those parcels.

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

- (a) certified that no amount is recoverable by the management corporation in respect of the parcel; or
- (b) not given a reply to the requisition at any time within fourteen days of the date of the service of the requisition.

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

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

**By-laws for the regulation of a subdivided building**

**44.** (1) The by-laws set out in the Third Schedule shall, as and from the opening of a book of the strata register be in force for all purposes in relation to every subdivided building and shall not be amended by the management corporation.

(2) The management corporation may by special resolution make additional by-laws, or make amendments to such additional by-laws, not inconsistent with the by-laws set out in the Third Schedule, for regulating the control, management, administration, use and enjoyment of the subdivided building.

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

- (a) on the part of the management corporation with each proprietor; and
- (b) on the part of each proprietor with every other proprietor and with the management corporation,

to observe and perform all the provisions of the by-laws.

(4) The management corporation shall—

- (a) keep a record of the by-laws in force from time to time;
- (b) on receipt of an application in writing made by a proprietor or by a person duly authorized to apply on behalf of a proprietor for a copy of the by-laws in force, supply to such proprietor or duly authorized person at a reasonable cost a copy of the by-laws; and
- (c) on the application of any person who satisfies the management corporation that he has a proper interest in so applying, make such by-laws available for inspection.

(5) No by-law is capable of operating—

- (a) to prohibit or restrict the transmission, transfer, lease or charge of, or any other dealing with any parcel of a subdivided building; and
- (b) to destroy or modify any easement expressly or impliedly created by or under this Act.

(5A) In subsection (5) “easement” includes a right or obligation created by section 35.

(6) A copy of any by-laws made by the management corporation under subsection (2) and any amendment of any by laws for the time being in force, certified as a true copy under the seal of the management corporation, shall be lodged by the management corporation with the Director within thirty days of the passing of the resolution by the management corporation approving the by-laws.

(7) The management corporation or any proprietor shall be entitled to apply to a court of competent jurisdiction—

- (a) for an order to enforce the performance of, or restrain the breach of, any by-laws by; or
- (b) to recover damages for any loss or injury to any persons or properties arising out of the breach of any by-laws from,

any persons bound to comply therewith, the management corporation or the administrator, and the court may make such order against any such persons, the management corporation or the members of its council, or the administrator, as the court thinks fit.

### **Management fund**

**45.** (1) The management corporation shall establish a management fund sufficient in the opinion of the management corporation to meet the administrative expenses as may be incurred for the purposes of controlling, managing and administering the common property, paying rent, rates and premiums of insurance and discharging any other obligation of the management corporation.

(2) The management corporation may invest any moneys in the management fund, but only in such investments or in such manner as may be approved at a general meeting.

(3) Subject to section 41A, for the purpose of establishing and maintaining the management fund the management corporation may at a general meeting—

- (a) determine from time to time the amount to be raised for the purposes mentioned in subsection (1);
- (b) raise the amounts so determined by levying contributions on the proprietors in proportion to the share units or provisional share units of their respective parcels or provisional blocks; and
- (c) determine the amount of interest payable by a proprietor in respect of late contributions which shall not exceed the rate of ten per cent per annum.

(4) On application by or on behalf of a person who is a proprietor of a parcel, or by or on behalf of a prospective purchaser of a parcel that is offered for sale, or by or on behalf of the chargee or prospective chargee of a parcel, the management corporation shall issue to that person a certificate certifying—

- (a) the amount determined, pursuant to subsection (3), as the contributions of that proprietor;
- (b) the time and manner of payment of the amount determined by it pursuant to that subsection;
- (c) the extent, if any, to which the contribution has been paid;
- (d) the amount (if any) then recoverable by the management corporation in respect of the parcel pursuant to subsection 43(5);
- (e) the sum standing to the credit of the management fund and the amount out of that fund committed or reserved for any expenses already incurred by the management corporation; and
- (f) whether or not the management corporation has incurred any expenditure or is about to perform any repairs, work or act in respect of which a liability is likely to be incurred

by the proprietor of the parcel under any provision of this Part and, if so, the estimated amount of the expenditure or the general nature of the repairs, work or act, and as against the management corporation and in favour of any person (including the member) relying in good faith on such certificate, that certificate shall be conclusive evidence of the matters certified therein.

(5) Any contribution levied under subsection (3) in respect of a parcel shall be due and payable on the passing of a resolution to that effect by the management corporation and in accordance with the terms of that resolution, and may be recovered as a debt from a proprietor of, or his successor in title to, the parcel.

(5A) Any contribution levied under subsection (3) in respect of a provisional block shall be due and payable on the passing of a resolution to that effect by the management corporation and in accordance with the terms of that resolution, and may be recovered as a debt from the proprietor of the provisional block or, where the building to which the provisional block relates has been subdivided, from the proprietors of the parcels in the building, or their successors in title, in proportion to the share units of their respective parcels.

(6) For the purposes of subsection (5) the word ‘proprietor’ shall include the person for the time being receiving the rent of the parcel, whether as agent or trustee or as receiver, and who would receive the same if the parcel were let to a tenant.

### **Special account**

**46.** The management corporation shall maintain a special account in which shall be paid such portion of the contribution to the management fund as may be from time to time determined under paragraph (ba) of subsection 41(5) by special resolution for the purposes of meeting its actual or expected liabilities in respect of the following matters:

- (a) for painting or repainting any part of the common property which is a building or other structure;
- (b) for the acquisition of any movable property for use in relation with the common property;

- (c) for the renewal or replacement of any fixtures or fittings comprised in any common property and any movable property vested in the body corporate; and
- (d) for any other expenditure not being expenditure incurred under subsection 43(5) to meet a liability for maintenance or for settling any defaults in payment by a proprietor.

**Acquisition of additional land, grant and acceptance of easements, etc.**

**47.** (1) The management corporation, if authorized by a unanimous resolution, may—

- (a) acquire land outside the lot to be used for purposes connected with subdivided building;
- (b) grant or accept the burden of an easement imposed on the lot for the benefit of some other land;
- (c) accept the benefit of an easement imposed in favour of the lot on some other land; or
- (d) *(Deleted by Act A753).*

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

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

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

- (a) the instrument shall be valid and effective without execution by any proprietor or other person or body having an interest in the land;
- (b) the receipt of the management corporation for any moneys payable to the corporation under the instrument shall be a good and sufficient discharge which exonerates the person or body paying the moneys from responsibility for the application thereof;
- (c) when the instrument is lodged for registration it shall be endorsed with or accompanied by a certificate under the seal of the management corporation stating that—

- (i) the resolution directing the transaction to which the instrument relates was duly passed; and
- (ii) the transaction conforms to the terms of the resolution;

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

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

48. *(Deleted by Act A753).*

### **Rating**

49. (1) The management corporation shall—

- (a) within one month after its establishment, or within such further period as the rating authority may allow, supply the rating authority with two copies of the certified strata plan in respect of the subdivided building and with the names and addresses of the members of the council of the corporation; and
- (b) keep the rating authority informed of any changes in the plan, names and addresses supplied under paragraph (a).

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

(3) For the purposes of this section the words “the rating authority” shall mean in relation to a subdivided building any authority authorized by law to levy rates.

### **Director may appoint managing agent to exercise or perform certain powers, etc.**

50. (1) The Director may, upon complaints by a proprietor or any other person or body having a registered interest in a parcel that the management corporation has not functioned satisfactorily, if satisfied that it is in the interests of the parcel proprietors in the subdivided building concerned, appoint a managing agent to exercise the powers and discharge the duties and functions of the management corporation.



(2) Where the Director makes the appointment under subsection (1), he may also specify that the managing agent shall have and may exercise and discharge—

- (a) all the powers, duties and functions of the management corporation for the subdivided building to which the appointment relates or of the council of the management corporation;
- (b) any one or more of those powers, duties and functions specified in the appointment; or
- (c) all of those powers, duties and functions except those specified in the appointment.

(3) The expenses incurred by the managing agent shall be charged on the management fund of the management corporation.

**Appointment of administrator for management corporation**

**51.** (1) A court of competent jurisdiction on the application of the management corporation, a proprietor or any other person or body having a registered interest in a parcel may, appoint an administrator for the management corporation for a fixed or indefinite period and on such terms and conditions as to remuneration or otherwise as the court thinks fit.

(2) The remuneration and expenses of the administrator shall be charged on the management fund of the management corporation.

(3) The administrator shall, to the exclusion of the management corporation, have the power and perform the duties of the management corporation, or such of them as the court may direct:

Provided that this subsection shall not preclude the management corporation from applying under subsection (5) for the removal or replacement of the administrator.

(4) An administrator when appointed shall forthwith lodge with the Registrar an office copy of the order of court making his appointment.

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

(6) Where an order of the court for removal or replacement of an administrator has been granted to any person, such person shall forthwith lodge with the Registrar, an office copy of such order.

(7) On any application made under this section the court may make such order for the payment of costs as it thinks fit.

### **The recovery of sum as debt due to management corporation**

**52.** (1) The payment of any amount lawfully incurred by the management corporation in the course of the exercise of any of its powers or functions or carrying out of its duties or obligations shall by virtue of this section be guaranteed by the proprietors for the time being constituting the management corporation, each proprietor being liable under such guarantee only for such proportion of the money so incurred as the share units of his parcel or the provisional share units of his provisional block bear to the aggregate share units.

(2) Where any proprietor has not discharged or fully discharged his liability for the purpose of subsection (1), the management corporation shall be entitled to recover from the proprietor in any court of competent jurisdiction as a debt due to it.

(3) Where for reasons of insufficiency of fund to meet the sum guaranteed under subsection (1), the management corporation may at an annual general meeting or at an extraordinary general meeting determine the amount to be contributed by each proprietor and decide any other issue or matter relating to the settlement of the said sum.

### **Recovery of sums due**

**53.** (1) Where a sum becomes recoverable by the management corporation from a proprietor by virtue of paragraph 43(2)(a), subsection 45(5) or (5A) and subsection 52(2), the management corporation may serve on the proprietor a written notice requesting payment of the sum due within such period, which shall not be less than two weeks from the date of service of the notice, as may be specified in the notice.

(2) If at the end of the period specified in the notice under subsection (1) the sum or part of the sum due remains unpaid, the management corporation may serve on the proprietor a written notice demanding payment of the sum due within two weeks from the date of service of the notice; and if upon expiry of the said period, the sum due still remains unpaid, the management corporation may file a summons in any court of competent jurisdiction for the recovery of the said sum or, in addition or as an alternative to recovery under this section, resort to recovery under section 53A.

### **Recovery of sums by attachment of movable property**

**53A.** (1) In the like circumstances in which the management corporation may, by virtue of subsection 53(2), file a summons for the recovery of a sum which becomes recoverable as mentioned in subsection (1) of that section, the Land Administrator may, upon sworn application in writing made by any member of the council of the management corporation, issue a warrant of attachment in Form 7A authorizing the attachment of any movable property belonging to the defaulting proprietor which may be found in the building or elsewhere in the State.

(2) The warrant shall be executed by a member of the council of the management corporation or by a person specially employed by the council to execute such warrants; and a person executing the warrant shall be deemed to be a public servant for the purposes of the Penal Code [*Act 574*].

(2A) If the management corporation encounters difficulties in executing the warrant, it may seek the assistance of the Director, and in providing such assistance, the Director may request for the assistance of a police officer not below the rank of Inspector.

(3) A person executing the warrant—

- (a) may, in the daytime, effect forcible entry into any house or building or any part thereof for the purpose of executing the warrant; and
- (b) shall, immediately after attachment, make an inventory of the property attached under the warrant and serve a notice in Form 7B on the person who, at the time of attachment, was or appeared to be in possession of the property.

(3A) Any tenant, sub-tenant, or occupier who, in order to avoid the attachment or sale of the movable property for non payment of any sum due to the management corporation by the parcel proprietor, pays such sum may thereafter, in the absence of any written agreement to the contrary, deduct the amount so paid by him from the rent due or to become due by him to the parcel proprietor, and may retain possession until such amount has been fully reimbursed to him whether by deduction from the rent or otherwise.

(3B) The receipt issued by the management corporation for any amount so paid by any such tenant, sub-tenant or occupier shall be deemed an acquittance in full for the like amount of rent.

(4) If any person whose property is attached disputes the legality of the attachment, he may, within fourteen days of the date of attachment, apply to the Magistrate's Court having jurisdiction in the place of attachment for an order for the release of the property, and the Magistrate's Court, after making such enquiry as may be necessary, shall grant or refuse to grant the order.

(5) If the sum due is not paid within fourteen days from the date of attachment, the property attached or such portion thereof as may be sufficient to realize the sum shall be sold by public auction, unless within that period an application is made under subsection (4), in which case the property shall be held pending the decision of the Magistrate's Court and shall then be dealt with as the Magistrate's Court may order.

(6) If the Magistrate's Court refuses to grant an order for the release of the property, and that decision of the Magistrate's Court is reached within fourteen days from the date of attachment, the property shall not be sold before the expiry of that period.

(7) Notwithstanding subsections (5) and (6), if the property is of a perishable nature, it may be sold at once, and in that case the proceeds of sale shall be held pending the decision of the Magistrate's Court and shall then be dealt with as the Magistrate's Court may order.

(8) In any other case, the proceeds of sale shall be applied in satisfaction of the sum due together with the costs of the attachment and sale, and any surplus and any property not sold shall be paid or returned to the person who, at the time of attachment, was or appeared to be in possession of the property.

(9) The costs of attachment shall include the expenses of the maintenance of livestock and the custody of movable property.

(10) In this section, unless the context otherwise requires, “proprietor”, in relation to the recovery of a sum recoverable by virtue of subsection 45(5) or (5A) from a parcel proprietor, includes any successor in title to the parcel proprietor.

(11) Where any property is sold by virtue of subsection (7) before the expiry of fourteen days from the date of attachment, the reference in subsection (4) to an order for the release of the property shall be construed as a reference to an order for the release of the proceeds of the sale of the property.

### **Service of documents**

**54.** (1) The management corporation shall at the main entrance to the lot—

- (a) cause to be continuously displayed a notice showing the name of the management corporation and the address for service of documents as shown in the book of the strata register; and
- (b) cause to be continuously available a receptacle suitable for purposes of postal delivery with the name of the management corporation clearly shown thereon, where the address for service of documents shown in the book of the strata register is the postal address of a building erected within the lot.

(2) Where the address for service of documents is altered the management corporation shall forthwith notify the Registrar and the Director of the alteration, and the Registrar shall make the appropriate endorsement in the book of the strata register.

(3) A document may be served on the management corporation by sending it by pre-paid registered post addressed to the management corporation at the address shown on the book of the strata register.

(4) Section 431 of the National Land Code relating to the methods of service shall apply to this section.

(5) For the purposes of this section the word “documents” shall include summons, notice, order and other legal process.

### **Breaches of provisions of this Part**

**55.** (1) If the management corporation commits a breach of any of the provisions of this Part or makes default in complying with any requirements of or duties imposed on it by any of the provisions of this Part, the management corporation and every member of its council, and any other proprietor, who knowingly is a party to the breach or default shall be guilty of an offence and shall be liable, on conviction to a penalty expressly prescribed for such breach or default, or if no penalty is so prescribed, to a fine not exceeding two thousand ringgit.

(2) Where a requirement or duty is imposed on the management corporation by this Part, any person for whose benefit, or the benefit of whose parcel that requirement or duty is imposed on the management corporation, may apply to a court of competent jurisdiction for an order compelling the management corporation to carry out that requirement or perform that duty, as the case may be, and on such an application being made, the court may make such order as it thinks proper.

### **Failure to pay contributions**

**55A.** Where any proprietor has failed to pay the contribution demanded by the management corporation in the manner set out in section 53, the proprietor shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand ringgit and to a further fine not exceeding fifty ringgit for every day during which the contribution remains unpaid after conviction.

## **PART VIII**

### **TERMINATION OF SUBDIVISION OF SUBDIVIDED BUILDING**

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

**56.** (1) When a subdivided building is damaged but is not totally destroyed, a court of competent jurisdiction on the application of the management corporation, a parcel proprietor, or a registered

chargee of any parcel, may by order, settle a scheme for the reinstatement or the continued use of the building in whole or in part and any such scheme may include provision for the transfer of the interests of the proprietors of parcels which have been wholly or partially destroyed to the other parcel proprietors in proportion to their share units.

(2) In the exercise of its powers under subsection (1), the court may make such orders as it deems necessary or expedient for giving effect to the scheme, including orders—

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

(3) Where an application is made under subsection (1), any insurer who has effected insurance on the building to which the application relates (or on any part thereof) shall have the right to appear on the hearing of the application.

### **Termination of subdivision**

**57.** (1) The management corporation, where—

- (a) the building is totally destroyed; or
- (b) the parcel proprietors seek to demolish the building or, in the case of a building which has been partially destroyed, the remaining parts of the building; or
- (c) there is only one proprietor for all the parcels,

may be directed by unanimous resolution to take action to terminate the subdivision of the building; and, subject to any order of a court of competent jurisdiction made under subsection (7), the management

corporation if so directed shall lodge with the Registrar a notification in Form 8 together with the issue documents of title of the land and the parcels and of provisional blocks, if any.

(2) On receipt of a notification under subsection (1) the Registrar shall make a memorial of the notification in the register and the strata register, and shall inform the Director of Survey that he has done so.

(3) On the making of a memorial under subsection (2) in respect of a subdivided building—

- (a) the subdivision shall be terminated and the proprietors shall cease to be proprietors of the parcels and provisional blocks; and
- (b) the management corporation shall become the proprietor of the lot as the trustee of the former proprietors.

(4) Where the management corporation becomes the proprietor of the lot under subsection (3)—

- (a) any registered charge on a parcel which existed immediately before the termination of the subdivision shall be converted into a personal obligation of the chargor to pay to the chargee what is due under the charge;
- (b) each of the former proprietors shall continue to be a member of the corporation, having the same voting rights as he had immediately before the termination of the subdivision;
- (c) the management corporation shall hold and manage the lot for the benefit of the former proprietors;
- (d) the former proprietors may by unanimous resolution direct the management corporation to transfer the lot to any one or more of the former proprietors or to any other person or body; and
- (e) the management corporation shall distribute any profits arising from its proprietorship of the lot (including any purchase money received on a transfer) to the former proprietors proportionately to the share units or provisional share units which they held immediately before the termination of the subdivision.



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

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

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

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

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

(8) In this section—

“former chargee” means a person who, or a body which, immediately before the subdivision of a subdivided building is terminated under this section, is the registered chargee of a parcel in the building;

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

## PART IX

### PROVISIONS FOR LOW-COST BUILDINGS

#### **Classification of low-cost buildings**

**58.** (1) The State Authority may, on an application by a proprietor of any alienated land or at any time on its own motion, having regard to the location, nature of construction and the cost of the building, classify it to be a low-cost building.

(2) Without prejudice to subsection (1), the State Authority may by rules made under section 81, classify any type of buildings to be a low-cost building.

(2A) No building erected in a provisional block shall be classified under subsection (1) or (2) to be a low-cost building.

(3) Upon classifying any building to be a low-cost building under subsections (1) and (2), the State Authority shall issue a certificate to the proprietor of the land.

#### **Application for subdivision by proprietor of low-cost building**

**59.** Upon receipt of the certificate by the State Authority under section 58, the proprietor of the land may apply for the subdivision of the building under section 10.

#### **Application of this Part upon opening of a book of the strata register**

**60.** Upon approval of the subdivision of the low-cost building and the opening of a book of the strata register in respect of the subdivided building, the provisions of this Part shall apply.

**Duties and powers of the original proprietor before the establishment of the management corporation**

**61.** (1) During the period before the management corporation comes into existence, it shall be the duty of the original proprietor—

- (a) to control, manage, administer, and keep the common property in good repair;
- (b) to pay the rent of the lot;
- (c) to insure the building to its replacement value against fire and to keep it so insured;
- (d) to effect such other insurance policies of the buildings as may be required by law;
- (e) subject to any order made by a court of competent jurisdiction, to apply insurance moneys received by it in respect of damage to the building in rebuilding and reinstating the building, so far as it may be lawful to do so and to pay the premiums on any policy of insurance effected by it; and
- (f) to perform any other function as may be necessary for the discharge of its duties.

(2) The original proprietor may—

- (a) purchase, hire or otherwise acquire movable property for use by proprietors in connection with their enjoyment of the common property; and
- (b) do all things reasonably necessary for the discharge of its duties under this Part.

(3) The original proprietor shall be deemed for the purposes of effecting any insurance policies under paragraph (1)(d) or (e) to have an insurable interest in the building to its replacement value.

(4) A policy of insurance taken out by the original proprietor in respect of the building shall not be liable to be brought into contribution with any other policy of insurance except if it is another policy taken out in respect of the same building.

**Restrictions imposed on original proprietor during period before management corporation comes into existence**

**61A.** (1) Notwithstanding any other provisions of this Act, the original proprietor shall not, during the period before the management corporation comes into existence—

- (a) use the lot concerned or any part thereof as security for any loan of moneys; or
- (b) enter into any maintenance or service contracts for any periods extending beyond the date when the management corporation comes into existence.

(2) If the original proprietor contravenes subsection (1), the original proprietor shall be liable for any loss suffered by the management corporation or any parcel proprietor as a result of the contravention and the management corporation or any parcel proprietor may recover from the original proprietor, as damages for breach of a statutory duty, any loss suffered by it or him in consequence of such contravention.

(3) Where any dealing in contravention of paragraph (1)(a) has been registered, such registration shall not pass any title or interest in the lot concerned or any part thereof, and the Registrar shall, upon discovery of the registration, cancel the registration, and no person or body affected by such cancellation shall be entitled to any compensation.

**Applicability and modification of by-laws in Third Schedule during the period before the establishment of the management corporation**

**62.** (1) The by-laws set out in the Third Schedule shall during the period before the management corporation comes into existence, have effect in relation to every subdivided low-cost building and shall apply by substituting for the word “corporation” wherever it appears the words “original proprietor”.

(2) The said by-laws shall bind the parcel proprietors and the original proprietor to the same extent as if they constitute properly executed agreements—

- (a) on the part of the original proprietor with each proprietor;  
and

- (b) on the part of each proprietor with every other proprietor and the original proprietor,

to observe and perform all the provisions thereof.

**Management fund established by original proprietor**

**63.** (1) The original proprietor shall establish and maintain a management fund for the control, management and administration of the common property, payment of any rent, rates, premiums of insurance and the discharge of any other obligations.

(2) For the purposes of subsection (1) the original proprietor may—

- (a) determine from time to time, the amounts to be raised;
- (b) raise amounts so determined by levying contributions on the proprietors in proportion to the share units of their respective parcels; and
- (c) by an action in any court of competent jurisdiction, recover from any parcel proprietor any sum of money expended for rents, rates, premiums, maintenance or repairs done.

(3) Subject to subsection (5)—

- (a) any contribution levied under subsection (2) shall be due and payable if the original proprietor serves a written notice on the proprietor; and
- (b) the contributions may be recovered from the parcel proprietors who may be sued either jointly or severally by the original proprietor in any court of competent jurisdiction.

(4) A certificate of the original proprietor shall be conclusive evidence of the amount that may be due to him under paragraph (3)(a).

(5) The original proprietor shall on the application of any proprietor of a parcel or any person authorized in writing by the proprietor certify—

- (a) the amount determined as the contribution of the proprietor;
- (b) the manner in which that contribution is payable;

- (c) the extent to which his contribution has been paid by the proprietor; and
- (d) the amount of any rates paid by the original proprietor and not recovered by him,

and such a certificate shall be conclusive evidence of the matters certified therein.

### **Establishment of management corporation**

**64.** (1) Upon completion of the transfer of strata title in respect of all the parcels by the original proprietor, or upon the making of an order under subsection 64A(2) by the Director, there shall come into existence a management corporation consisting of all the parcel proprietors and subsections 39(2), (3), (4) and (5) shall apply.

(2) Upon the coming into existence of the management corporation as provided in subsection (1), the Registrar shall—

- (a) having regard to subsections 15(3) and (3A), enter in the index in Form 2 the name of the management corporation and the address for service of documents thereon;
- (b) make on the register and issue documents of title to the lot in question a memorial to the effect that the common property is vested in the management corporation; and
- (c) return the issue document of title to the management corporation.

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

### **Application for establishment of management corporation**

**64A.** (1) The proprietors, other than the original proprietor, of parcels having share units totalling more than half of the total share units of all the parcels may apply to the Director for an order that a management corporation be established.

(1A) Where the original proprietor has transferred parcels having more than half of the total share units of all the parcels, he may

also apply to the Director under subsection (1) for an order that a management corporation be established.

(2) Upon receiving the application, the Director—

(a) in the case of an application by proprietors other than the original proprietor, if satisfied that the original proprietor has failed to discharge his duties or exercise his powers satisfactorily; or

(b) in the case of an application by the original proprietor, if satisfied that good grounds exist in support thereof,

may order that a management corporation be established.

(3) The Director shall cause copies of the order to be furnished to any one of the applicants and the Registrar.

(4) Upon receiving a copy of the order, the Registrar shall—

(a) file the copy of the order;

(b) enter a memorial in the index in Form 2 that the management corporation is established pursuant to an order under this section; and

(c) take action as specified in paragraphs 64(2)(a), (b) and (c).

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

**Duty of original proprietor to convene first annual general meeting**

**65.** (1) It shall be the duty of the original proprietor to convene the first annual general meeting of the management corporation within one month from the establishment of the management corporation.

(2) The original proprietor shall give a written notice of the first annual general meeting to all parcel proprietors constituting the management corporation not less than fourteen days before the meeting.

(3) If the original proprietor fails to comply with subsection (1), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand ringgit.

(4) Without prejudice to subsections (1) and (3), if the original proprietor fails to convene the first annual general meeting within the specified period, the Director may on application by the management corporation, a parcel proprietor or chargee of a parcel, appoint a person to convene the first annual general meeting within such time as may be specified by the Director.

(5) The agenda for the first annual general meeting shall include the following matters:

- (a) to decide whether the management corporation shall manage the subdivided building in accordance with Part VII or apply to the State Authority under section 67 to appoint a person or body to be charged with the duties, powers and functions of the original proprietor as provided for under this Part;
- (b) in the event the management corporation decides to operate under the provisions of Part VII, to decide—
  - (i) whether to confirm, vary or extend insurances effected by the original proprietor;
  - (ii) whether to confirm or vary any amounts determined as contributions to the management fund;
  - (iii) the number of members of the council, and to elect the council where there are more than three parcel proprietors; and
  - (iv) whether to amend, add to or repeal the by-laws in force immediately before the holding of the meeting.

### **Management fund established by management corporation**

**66.** (1) The management corporation shall establish a management fund sufficient in the opinion of the management corporation to meet the administrative expenses as may be incurred for the purposes of controlling, managing and administering the common property, paying rent, rates and premiums of insurance and discharging any other obligation of the management corporation.



(2) Upon the establishment of the management fund under subsection (1), all moneys in the management fund established and operated by the original proprietor under section 63 shall be transferred to and form part of the management fund established under subsection (1).

(3) Subsections 45(2), (3), (4), (5) and (6) shall apply.

### **Breaches of provisions of this Part**

**66A.** (1) If the original proprietor or the management corporation commits a breach of any of the provisions of this Part or makes default in complying with any requirements of, or duties imposed on it by, any of the provisions of this Part, the original proprietor or, as the case may be, the management corporation and every member of its council, and any other parcel proprietor, who knowingly is a party to the breach or default shall be guilty of an offence and shall be liable, on conviction, to a penalty expressly prescribed for such breach or default, or if no penalty is so prescribed, to a fine not exceeding two thousand ringgit.

(2) Where a requirement or duty is imposed on the original proprietor or the management corporation by this Part, any person for whose benefit or for the benefit of whose parcel that requirement or duty is imposed on the original proprietor or the management corporation may apply to a court of competent jurisdiction for an order compelling the original proprietor or, as the case may be, the management corporation to carry out that requirement or perform that duty, as the case may be, and on such an application being made, the court may make such order as it thinks proper.

### **Duties and powers of person or body appointed by State Authority**

**67.** (1) The State Authority may, upon application by the management corporation, appoint a person or body to exercise the powers, duties and functions of the management corporation and the said person or body so appointed shall exercise the powers, duties and functions of the original proprietor provided for under this Part.

(2) For the purposes of subsection (1), subsections 50(2) and (3) shall apply.

## PART IXA

## STRATA TITLES BOARD

**Strata Titles Board**

**67A.** (1) There shall be a Strata Titles Board which shall consist of a President and such number of Deputy Presidents and other members as are appointed in accordance with this section.

(2) The President, Deputy Presidents and members of the Board shall be appointed by the State Authority.

(3) No person shall be appointed as the President or a Deputy President of the Board unless he is a qualified person within the meaning of the Legal Profession Act 1976 [*Act 166*].

(4) Not more than twenty persons shall be appointed by the State Authority to be members of the Board in addition to the President and Deputy Presidents of the Board.

(5) The names of the President, Deputy Presidents and members appointed under this section shall be notified in the State *Gazette*.

(6) Except where otherwise provided by this Act, the Board shall, for the purpose of hearing and determining a dispute of which the Board has cognizance or any other matter with respect to which the Board has jurisdiction under this Act, be constituted by a division of the Board consisting of—

- (a) the President or a Deputy President of the Board as chairman; and
- (b) two other persons to be selected by the chairman from amongst the members of the Board appointed under subsection (4).

**Tenure of office**

**67B.** (1) A member of the Board shall be appointed for a term of two years but shall be eligible for reappointment.

(2) A member of the Board may resign by letter addressed to the Director.

(3) The State Authority may at any time revoke the appointment of any member of the Board and fill any vacancy in its membership.

### **Continuation of hearing**

**67C.** (1) If after the Board has been constituted in relation to a dispute or matter but before the dispute or matter has been determined a member of the Board is unable to hear or continue to hear or to determine the dispute or matter or ceases to be a member of the Board, as the case may be, whether by death or otherwise, the Board shall be reconstituted in accordance with subsection 67A (6) and the Board as reconstituted shall hear and determine the dispute or matter or so much of the dispute or matter which has not been determined, and in so hearing may have regard to the evidence given, the arguments adduced and any interim order made during the previous hearing.

(2) Notwithstanding subsection (1) and section 67B, a member of the Board who resigns or whose appointment expires during the course of any proceedings of the Board shall for the purpose of such proceedings and until their determination be deemed to remain a member of the Board and shall continue to hear and determine the dispute or matter which is the subject matter of the proceedings.

### **Bar to actions**

**67D.** No action shall lie against any member of the Board in respect of anything done or omitted to be done by him in good faith in the execution or purported execution of his functions, powers and duties under this Part.

### **Allowances**

**67E.** (1) A member of the Board may be paid such allowances as may be prescribed under this Act in respect of each day on which he is engaged in the hearing and determining of a dispute or matter.

(2) In addition to the allowance provided for in subsection (1), the President and the Deputy Presidents of the Board may be paid such allowances as may be prescribed under this Act.

**Board to carry out its work expeditiously**

**67F.** (1) The Board shall carry out its work expeditiously and shall make a finding or determination within 6 months from the date it is constituted.

(2) The period specified in subsection (1) may be extended by the President or a Deputy President of the Board where the dispute or matter involves complex issues.

**Proceedings of Board**

**67G.** (1) The proceedings of the Board shall be open to the public and minutes of the Board including a note of any oral evidence given before the Board shall be kept by the President of the Board.

(2) The members of the Board shall be deemed to be public servants within the meaning of the Penal Code [Act 574].

**Order revoking amendment of by-law**

**67H.** (1) Where, pursuant to an application by any person entitled to vote at a meeting of the management corporation (including a first chargee and chargor of a parcel), the Board considers that, having regard to the interest of all parcel proprietors in the use and enjoyment of their parcels or the common property, an amendment or revocation of an additional by-law or addition of a new additional by-law should not have been made or effected, the Board may order that the amendment be revoked, that the revoked additional by-law be revived or that the new additional by-law be revoked.

(2) When making an order under subsection (1) in respect of an additional by-law referred to in subsection 44(2) the Board may direct the management corporation to pay compensation to the proprietor of the parcel adversely affected by the additional by-law.

(3) The compensation ordered to be paid under subsection (2) is recoverable by the parcel proprietor as a debt in any court of competent jurisdiction.

**Order invalidating purported by-law**

**67I.** Where, pursuant to an application by any person entitled to vote at a meeting of a management corporation (including a first

chargee and a chargor of a parcel), the Board finds that the management corporation has made an additional by-law but that the management corporation did not have the power to make the additional by-law the Board may make an order declaring the additional by-law to be invalid.

### **Power of Board to invalidate proceedings**

**67J.** (1) Where, pursuant to an application by a parcel proprietor or first chargee of a parcel, the Board considers that the provisions of this Act have not been complied with in relation to a meeting of the management corporation, the Board may by order—

- (a) invalidate any resolution of, or election held by, the persons present at the meeting; or
- (b) refuse to invalidate any such resolution or election.

(2) The Board shall not make an order under subsection (1) refusing to invalidate a resolution or election unless it considers—

- (a) that the failure to comply with the provisions of this Act did not prejudicially affect any person; and
- (b) that compliance with the provisions of this Act would not have resulted in a failure to pass the resolution, or have affected the result of the election, as the case may be.

### **Order varying certain rates of interest**

**67K.** Where, pursuant to an application by a parcel proprietor for an order under this section, the Board considers that the management corporation for the subdivided building to which the application relates has determined an unreasonable rate as the rate of interest payable for the late payment of a contribution levied under section 45, the Board may order that no interest be so payable or that the interest so payable be at a rate specified by the Board instead of the rate so determined.

### **Order where voting rights denied or due notice of item of business not given**

**67L.** (1) Where, pursuant to an application by a person under this section, the Board is satisfied that a particular resolution would

not have been passed at a general meeting of a management corporation but for the fact that the applicant—

- (a) was improperly denied a vote on the motion for the resolution; or
- (b) was not given due notice of the item of business pursuant to which the resolution was passed.

the Board may order that the resolution be treated as a nullity on and from the date of the order.

(2) Where—

- (a) an order under subsection (1) is made in respect of a resolution making an additional by-law amending, adding to or revoking another additional by-law; and
- (b) the additional by-law made pursuant to that resolution is in force,

the additional by-law shall, subject to its having been or being amended, added to or revoked under subsection 44(2) have force and effect on and from the date the order is so made to the same extent as it would have had if the resolution had not been passed.

(3) An application for an order under subsection (1) may not be made after 21 days after the date of the meeting at which the resolution was passed.

### **Order varying amount of insurance to be provided**

**67M.** Where, pursuant to an application made by a parcel proprietor or the chargee of a parcel, the Board considers that the amount for which the management corporation for the subdivided building concerned has insured the subdivided building under subsection 43(1) is not reasonable, the Board may order the management corporation to vary that amount to a specified amount.

### **Board may settle disputes on costs of repairs, etc.**

**67N.** The Board may, pursuant to an application by a management corporation, a parcel proprietor or a chargee in possession of a parcel, make an order for the settlement of a dispute, or the rectification of a complaint with respect to any defects in a parcel,

a subdivided building and its common property or the liability of a parcel proprietor to bear the costs of or any part thereof for any work carried out by a management corporation in the exercise or performance of its powers, duties or functions conferred or imposed by this Act and the by-laws in connection with the subdivided building.

### **Order to make or pursue insurance claim**

**67o.** Where, pursuant to an application by a parcel proprietor, the Board considers that the management corporation for the subdivided building to which the application relates has unreasonably refused to make or pursue an insurance claim in respect of damage to the building or any other property insured by the management corporation under this Act, the Board may order the management corporation to make or pursue the claim.

### **Order to supply information or documents**

**67p.** Where, pursuant to an application by a parcel proprietor, the Board considers that the management corporation for the subdivided building or any member of its council to which the application relates, or managing agent for the subdivided building, has wrongfully withheld from the applicant information to which he is entitled under this Act, the Board may order that management corporation, managing agent, or any member of the council to supply or make available the information to the applicant.

### **Order with respect to certain consents affecting common property**

**67q.** Where, pursuant to an application by a parcel proprietor, the Board considers that the management corporation for the subdivided building to which the application relates has unreasonably refused to consent to a proposal by that parcel proprietor to effect alterations to the common property, the Board may order that management corporation to consent to the proposal.

### **General provisions relating to orders under this Part**

**67r.** (1) An order made by the Board may include such ancillary or consequential provisions as the Board thinks fit including costs to be paid by the applicant, a management corporation or any

person against whom the order is made or costs to be paid by a party for making a frivolous application to the Board.

(2) For the purpose of securing compliance with an order under this Part, the Board may order a management corporation or any member of its council, a managing agent or any other person having registered interest in a parcel or an occupier to do or refrain from doing a specified act with respect to a subdivided building and the common property.

### **Representation before the Board**

**67s.** (1) An applicant for an order under this Part may appear before the Board or may be represented by counsel who may examine witnesses and address the Board on behalf of the applicant.

(2) A management corporation appearing before the Board may be represented by counsel or a member of the council of the management corporation.

### **Witness may be summoned before Board**

**67t.** (1) The Board may summon any person to attend before the Board at the time and place specified in the summons to give evidence and to produce books, documents or writings in his custody or control which he is required by the summons to produce.

(2) A person served with a summons under subsection (1) who, without reasonable excuse, disobeys the summons shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(3) A person shall not be bound to produce any books, documents or writings not specified or otherwise sufficiently described in the summons or which he would not be bound to produce upon a subpoena for production in a court.

### **Board may administer oath or affirmation**

**67u.** (1) The Board may administer an oath or affirmation to a person appearing as a witness before the Board, whether or not he



has appeared in answer to a summons, and may examine the witness upon oath or affirmation.

- (2) A person appearing as a witness before a Board—
  - (a) shall not refuse to be sworn or to make an affirmation;
  - (b) shall not refuse to answer any question relevant to any proceedings before the Board which are to put him by the Board or by any person entitled to appear before the Board in those proceedings; and
  - (c) shall not knowingly give false testimony in any evidence given by him to the Board.
- (3) A witness before a Board shall have—
  - (a) the same protection; and
  - (b) in addition to the penalties provided by this Act, the same liabilities,

as he would have had if he had been a witness before a court.

### **Penalty for contravention of certain orders**

**67v.** (1) A person who contravenes an order made by the Board to do or refrain from doing a specified act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(2) A document purporting to be a copy of an order made by the Board shall be admissible in evidence and shall, until the contrary is proved, be deemed to be an order made by the Board.

### **Time when order takes effect**

**67w.** Except where provision is otherwise made by this Act or to the extent that the Board specifies in an order, an order of the Board shall take effect when a copy of the order, certified by the Board to be a true copy, is served—

- (a) except as provided in paragraph (b), on the management corporation for the subdivided building to which the order relates; or

- (b) where the order requires a person to do or refrain from doing a specified act, on that person.

### **Appeal to High Court on point of law**

**67x.** (1) No appeal shall lie to the High Court against an order made by the Board under this Part except on a point of law.

(2) Where an appeal is made to the High Court, the Court may confirm, vary or set aside the order or remit the order to the Board for reconsideration together with such directions as the Court thinks fit.

(3) The filing of a notice of appeal shall not operate as a stay of execution of an order or suspend the effect of an order unless the Board or the High Court, as the case may be, otherwise orders and any stay or suspension of an order may be subject to such conditions as the Board or High Court thinks fit.

## PART X

### MISCELLANEOUS

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

### **No dealing in accessory parcel independent of a parcel**

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

### **No dealing in provisional block**

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

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

71. *(Deleted by Act A753).*

72. *(Deleted by Act A753).*

### **Other rights and remedies not affected by this Act**

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

### **Jurisdiction of the Magistrate's Court**

74. Any offence under this Act may be tried by a Magistrate's Court and such Magistrate's Court shall, notwithstanding the provisions of the Subordinate Courts Act 1948 [Act 92] or any other written law, have power to impose the maximum penalty provided for by this Act.

### **Legal proceedings**

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

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

### **Management corporation as representative of proprietors in legal proceedings**

76. (1) Where proprietors are jointly entitled to take legal proceedings against any persons or are liable to have legal proceedings taken against them jointly, where such legal proceedings are proceedings for or with respect to common property, the legal proceedings may be taken by or against the management corporation, and any judgments or orders given or made in favour of or against the management corporation in any such legal proceedings shall have effect as if they were judgments or orders given or made in favour of or against the proprietors.

(2) Where a proprietor is liable to make a contribution to another proprietor in respect of a judgment debt arising under a judgment referred to in subsection (1), the amount of that contribution shall bear the same proportion to the judgment debt as the share units of the parcel or the provisional share units of the provisional block of the first-mentioned proprietor bear to the aggregate share units.

### **Power of management corporation to take proceedings as agent for proprietors in case of defects to parcels**

77. Where—

- (a) the condition of any parcel in a lot affects or is likely to affect the support or shelter provided by that parcel for another parcel in the same building or the common property; and
- (b) the proprietor of the parcel in that condition has neglected or refused within a reasonable time to take such action as is necessary, or for the purpose of exercising any other right or enforcing any other remedy available to him to have that condition rectified,

the management corporation or the original proprietor under Part IX, as the case may be, may, as agent for the proprietor of the parcel in that condition but at its own expense, take any of the proceedings referred to in paragraph (b).

### **Costs in proceedings by proprietors against management corporation**

78. (1) In any proceedings brought by one or more proprietors against the management corporation, a court of competent jurisdiction may order that any moneys (including costs) payable by the management corporation pursuant to an order of the court made in those proceedings shall be paid, only in respect of such parcels as are specified in the order and in such proportions as may be so specified, by the management corporation out of contributions levied for the purpose.

(2) Where the court makes an order under subsection (1), the management corporation shall, for the purposes of paying the moneys ordered to be paid by it, levy contributions in accordance with the terms of the order, and pay the moneys out of the contributions paid pursuant to that levy.

**Limitation Act 1953 not to extend to common property**

**79.** No action shall be brought by any person claiming title by adverse possession to the common property of a lot or to any accessory parcel or any part thereof created under this Act, and the provisions of the Limitation Act 1953 [*Act 254*] relating to adverse possession shall not extend to such common property and accessory parcel.

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

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

**Prosecution**

**80A.** No prosecution shall be instituted for an offence under this Act or any rules made under this Act without the consent in writing of the Public Prosecutor.

**Power of State Authority to make rules**

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

- (a) the fees to be paid for any procedures or functions required or permitted to be done under this Act and the remission of such fees;
- (aa) the fees to be paid in respect of applications made to the Board under this Act and the remission of any such fees;
- (ab) the practice and procedure of the Board;
- (b) the convening of the first annual general meeting of a management corporation;
- (c) the composition, nomination and election of members of the council of a management corporation of a subdivided building;

- (d) the types of buildings to be classified as low-cost buildings; and
- (e) any matter which by this Act is required or permitted to be prescribed or is necessary or convenient to be prescribed for carrying out or giving effect to any provisions of this Act.

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

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

### **Transitional provisions**

**82.** (1) The State Authority may, for the purposes of applying the provisions of this Act to subdivided buildings, subsidiary titles, parcels, common property, management corporations and councils which were in existence prior to the commencement of this Act, with or without modifications, additions or exclusions to or in respect of any such subdivided buildings, subsidiary titles, parcels, common property, management corporations or councils and for purposes incidental thereto, make rules providing for such modifications, additions or exclusions and such transitional, consequential or saving provisions as the State Authority may deem to be necessary or expedient.

(2) Until rules are made under subsection (1), nothing contained in this Act shall apply to any subdivision of a building effected, or to any subsidiary title issued, or to any parcel, common property, management corporation or council in existence, prior to the commencement of this Act, and the provisions of the National Land Code shall continue to apply thereto in the same manner as before the commencement of this Act.

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

**Repeal and amendment of provisions of the National Land Code**

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

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

**Amendment of Forms**

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

**Transitional provision with respect to rules, orders, etc.**

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

---

## FIRST SCHEDULE

## FORMS

## STRATA TITLES ACT 1985

## FORM 1

[Section 10]

## APPLICATION FOR SUBDIVISION OF BUILDING

To the Land Administrator .....

District of.....

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

\*Town/Village/Mukim ..... Lot No. ....  
 Description and No. of title ..... Area .....

hereby apply for approval of the subdivision of the building/s erected thereon,  
 \*together with the issue of a provisional strata title for the provisional block/s,  
 as shown in the location plan attached.

2. The intended subdivision is to be into ..... Parcels,  
 \* .....Accessory parcels and ..... provisional block/s,  
 as specified in the appended schedule, according to the boundaries which, in  
 relation to each storey, are shown in the ..... \*storey plan/s attached.

2A. The building/s erected thereon, including any provisional block, are used  
 for the following purposes:

.....

3. As required by section 10\* and section 10A of the Strata Titles Act 1985,  
 I now submit—

- (a) the prescribed fee of RM.....;
- (b) three copies of the \*building plans approved by the planning authority/  
 plans required under paragraph 10(6A)(a) for each building to be  
 subdivided \*and for each building to which a provisional block  
 relates;
- (c) the location plan conforming to subsection 10(2) \*and paragraph  
 10A(2)(b) and duly certified by a land surveyor;
- (d) the ..... storey plan/s conforming to subsection  
 10(3) \*and paragraph 10A(2)(c) and duly certified by a land surveyor;



- (e) two additional copies of the location plan and of each of the storey plans;
- (ea) three copies of the certified plan of the land required under paragraph 10(1)(cb);
- (f) the certificates of a land surveyor, a registered architect or registered professional engineer, as required by paragraph 10(1)(c);
- \*(g) the permit/s under section 75A of the National Land Code, as required by paragraph 10(1)(ca);
- \*(h) the certificate of a registered architect, as required by paragraph 10(6A)(a);
- #(i) a letter of consent from each of the following persons whose consent in writing is required for the particular reasons specified in each such letter:
  - (1) .....
  - (2) .....
  - (2) .....
- (j) the issue document of title to the lot.

\*4. I undertake that the construction of each building to which a provisional block relates will be completed by the following dates:

<i>Provisional Block</i>	<i>Date</i>
P1	
P2	
etc., etc.	

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

.....  
*Signature of Proprietor of Lot*

**For Official Use Only**

A. To Director of Lands and Mines.

- (1) Issue document of title enclosed.
- (2) Rent for current year paid.

*Land Administrator:* .....

B. To Director of Survey.

Application approved.

*Director of Lands and Mines:* .....

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

SCHEDULE OF PARCELS AND PROVISIONAL BLOCKS (IF ANY)

<i>Building/Provisional Block</i>	<i>List of storeys in each building</i>	<i>List of parcels in each building</i>	<i>Share units of each parcel/provisional block</i>
(1)	(2)	(3)	(4)
<b>BUILDING/S:</b>			
(Use M1, M2, <i>etc.</i> , to denote complete buildings)			
M1 ... ..	Storey No. ....	Parcel ..... Parcel ..... Parcel .....	..... ..... .....
	Storey No. ....	Parcel ..... Parcel ..... Parcel .....	..... ..... .....
M2 ... ..	Storey No. ....	Parcel ..... Parcel .....	..... .....
	Storey No. ....	Parcel ..... Parcel ..... Parcel .....	..... ..... .....
<i>etc., etc.</i>		<i>etc., etc.</i> .....	.....
<b>PROVISIONAL BLOCK/S:</b>			
(Use P1, P2 <i>etc.</i> , to denote provisional blocks)			
P1 ... ..	—	—	
P2 ... ..	—	—	
<i>etc., etc.</i>		Total ...	

LIST OF ACCESSORY PARCELS

† <i>Accessory Parcel</i>	++ <i>Location of Accessory Parcel</i>	<i>Parcel to which Accessory Parcel is Appurtenant</i>

\* Delete as appropriate.

† For purposes of identifying an accessory parcel, prefix the letter A to the number of the accessory parcel.

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

# EXPLANATORY NOTE:

The consent in writing is required of every person or body entitled to the benefit of—

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

STRATA TITLES ACT 1985

FORM 2

[Section 15]

State of .....

STRATA REGISTER INDEX

BOOK FOR TITLE No. ....

\*Town/Village/Mukim ..... Lot No .....

District ..... Area .....

Correspondence No .....

Name of management corporation.....

.....

Address for service of documents.....  
 .....

**SUMMARY OF CONTENTS**

<i>Building/ Provisional Block</i>	<i>Purpose</i>	<i>No. of Parcels</i>	<i>Share Units/ Provisional Share Units</i>
BUILDING/S: M1 M2 <i>etc., etc.</i>  PROVISIONAL BLOCK/S: P1 P2 <i>etc., etc.</i>		Total:	

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



## LIST OF ACCESSORY PARCELS

† <i>Accessory Parcel</i>	++ <i>Location of Accessory Parcel</i>	<i>Parcel to which Accessory Parcel is Appurtenant</i>

\* Delete as appropriate.

† For purposes of identifying an accessory parcel, prefix the letter A to the number of the accessory parcel.

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

---

*STRATA TITLES ACT 1985*

FORM 3

[Section 15]

STRATA REGISTER STATEMENT

BOOK FOR THE TITLE NO.....

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

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

.....  
*Registrar*

SCHEDULE

---

\*Delete as appropriate.

---

STRATA TITLES ACT 1985

FORM 4

[Section 16]

State of .....

STRATA TITLE

Registered No. ....  
(Title No./Building No./Storey No./Parcel No.)

Parcel No. .... within Storey No. .... of Building No.  
..... \*and accessory parcel/s .....  
.....  
as shown for purposes of identification in the appropriate storey plan herewith.



The above parcel \*and accessory parcel/s on the land scheduled below is/ are held for the full term of the title also so scheduled by the proprietor for the time being named in the record of proprietorship herein, subject to the provisions of the Strata Titles Act 1985, to the provisions of the by-laws made thereunder and more particularly to the memorials, endorsements and other entries specified below.

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

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

.....  
*Registrar*

L.S.

SCHEDULE

District .....  
\*Town/Village/Mukim ..... Lot No .....  
Title: \*Grant in perpetuity/Lease for the term of ..... years  
terminating on ..... No.....  
Share units of the parcel .....  
Total share units of all subdivided buildings on the land .....

---

 MEMORIALS, ENDORSEMENTS AND OTHER ENTRIES

PART I	—	The matters specified in Statement: Form 3	Delete if not applicable.
PART II	—	The following matters affecting this parcel only—	If none, insert “Nil”.

---

Heading to be printed on all subsequent leaves of this Form

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

---

\*Delete as appropriate.

---

STRATA TITLES ACT 1985

FORM 4A

[Section 16]

State of.....

PROVISIONAL STRATA TITLE

---

DEALINGS PROHIBITED

---

Registered No. .... / .....  
(Title No.                      /Provisional Block No)

Provisional Block No. .... as shown for purposes of  
identification in the strata plan attached herewith.

---

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



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

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

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

L.S.

.....  
Registrar

SCHEDULE

District .....

\*Town/Village/Mukim ..... Lot No. ....

Title: \*Grant in perpetuity/Lease for the term of  
..... years terminating on  
..... No. ....

Provisional share units of the provisional block .....

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

---

MEMORIALS, ENDORSEMENTS AND OTHER ENTRIES

PART I — The matters specified in Statement: Delete if not  
Form 3 applicable.

PART II — The following matters affecting this If none, insert  
provisional block only— "Nil".

---

Heading to be printed on all subsequent leaves of this Form

RECORD OF PROPRIETORSHIP

---

\*Delete as appropriate.

---

## STRATA TITLES ACT 1985

## FORM 5

[Section 20]

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

To the Land Administrator, District of .....

I, ..... of

.....  
 proprietor of provisional strata title ..... on the land scheduled below,  
 hereby apply for the issue of separate strata titles to the ..... parcels in the  
 completed building.

2. As required by section 20 of the Strata Titles Act 1985, I now submit—

- (a) the prescribed fee of RM.....;
- (b) a certificate of an architect or a professional engineer that the provisional block has been completed in accordance with the approved building plan and any approved amendments thereto;
- (c) a copy of the approved building plan and any approved amendments thereto;
- (d) a certificate issued by a public or local authority that the building is fit for occupation or use;
- (e) certificates by a land surveyor as required by paragraphs 20(2)(ca) and (cb) of the Strata Titles Act 1985;
- \*(f) the permit/s under section 75A of the National Land Code, as required by paragraph 20(2)(ca);
- (g) the ..... storey \*plan/s of the completed building duly certified by a land surveyor, together with two additional copies thereof;
- (h) a statement showing the share units of the new parcels;
- (i) the issue document of provisional strata title.

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

.....  
*Signature of Proprietor*

SCHEDULE

District .....

\*Town/Village/Mukim ..... Lot No .....

Description and No. of Title .....

---

*For Official Use Only*

- A. To Director of Lands and Mines.  
Issue document of provisional strata title enclosed.

*Land Administrator.....*

- B. To Director of Survey.  
Application approved.

*Director of Lands and Mines.....*

---

\*Delete as appropriate.

---

*STRATA TITLES ACT 1985*

FORM 6

[Section 28]

APPLICATION FOR DIVISION OF PARCEL

To the Land Administrator, District of .....

I .....

of.....

proprietor of parcel .....

(Here insert description and No. of title)

.....

in the subdivided building standing on the land scheduled below, hereby apply for the division of the said parcel into ..... new parcels as indicated in the attached plan of intended division.

2. As required by section 28 of the Strata Titles Act 1985, I now submit—
- (a) the prescribed fee of RM .....
  - (b) the plan of intended division of the parcel specified above, duly certified by a land surveyor, together with ..... copies thereof;
  - (c) a statement of the number of share units of the new parcels;

||(d) a letter of consent from each of the following persons whose consent in writing is required for the particular reason specified in each such letter:

- (1) .....
- (2) .....
- (3) .....

(e) a letter of consent from the management corporation to the making of this application.

3. I hereby declare that as shown in the attached plan, there is a satisfactory means of access to each new parcel, not passing through another parcel.

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

.....  
*Signature of Proprietor*

SCHEDULE

District .....

\*Town/Village/Mukim ..... Lot No .....

Description and No. of title of land .....

*For Official Use Only*

A. To Director of Lands and Mines.  
Issue document of provisional strata title enclosed.

*Land Administrator*.....

B. To Director of Survey.  
Application approved.

*Director of Lands and Mines*.....

\*Delete as appropriate

|| EXPLANATORY NOTE—The consent in writing is required of every person or body entitled to the benefit of—

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

STRATA TITLES ACT 1985

FORM 7

[Section 28]

APPLICATION FOR AMALGAMATION OF PARCELS

To the Land Administrator, District of .....

I .....

of.....

proprietor of parcels .....

(Here insert the description and No. of titles of parcels)

.....  
in the subdivided building on the land scheduled below, hereby apply for approval of their amalgamation into a single parcel as indicated in the attached plan of intended amalgamation.

2. As required by section 28 of the Strata Titles Act 1985, I now submit—

(a) the prescribed fee of RM.....;

(b) the plan of intended amalgamation of the parcels specified above, duly certified by a land surveyor, together with ..... copies thereof;

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

|| (d) a letter of consent from each of the following persons whose consent in writing is required for the particular reason specified in each such letter:

(1) .....

(2) .....

(3) .....

(e) a letter of consent from the management corporation to the making of this application.

3. I hereby declare that as shown in the attached plan, there is adequate internal means of communication within the new parcel, not passing through common property.

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

.....  
*Signature of proprietor*

SCHEDULE

District .....

\*Town/Village/Mukim ..... Lot No .....

Description and No. of title of land .....

.....

For Official Use Only

A. To Director.

Issue document of provisional strata title enclosed.

Land Administrator.....

B. To Director of Survey.

Amalgamation of parcels as above approved.

Director .....

\*Delete as appropriate.

|| EXPLANATORY NOTE— The consent in writing is required of every person or body entitled to the benefit of—

- (i) a lease of the whole or any part of the land;
- (ii) a charge of the land, or of a lease as specified in (i);
- (iii) a lien over the land, or over a lease as specified in (i).

STRATA TITLES ACT 1985

FORM 7A

[Subsection 53A(1)]

WARRANT OF ATTACHMENT

To .....  
of .....

Whereas ..... is  
the proprietor of \*parcel No. .... in the  
building No ...../of provisional block No. ....  
on .....

(Description of land)

.....  
registered in the name of the management corporation by the name of.....  
.....

And whereas by a written notice under subsection 53(1) of the Strata Titles Act 1985 served on him on the ..... day of ..... 20..... the said..... was requested to pay to the management corporation by the ..... day of ..... 20..... the sum of ..... the particulars of which are given below:

And whereas by a written notice under subsection 53(2) of the Strata Titles Act 1985 served on him on the ..... day of ..... 20..... the said ..... was asked to pay to the management corporation by the ..... day of ..... 20..... the said sum/the sum of ..... being the balance outstanding from the said sum:

And whereas further the said sum/the sum of ..... still remains unpaid:

This is to authorize you under subsection 53A(1) of the Strata Titles Act 1985 to attach any movable property belonging to the said ..... sufficient to realize the sum due as aforesaid and by way of costs, which may be found in the said building or elsewhere in the State, and to hold the property or deal with it subject to and in accordance with the provisions of the said section 53A.

This warrant must be returned to me on or before the ..... day of ..... 20..... with an endorsement certifying the date when and the manner in which it was executed or the reason for not executing it.

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

.....  
*Land Administrator*

L.S.

*District* .....

---

PARTICULARS OF SUM DUE

---

\_\_\_\_\_

STRATA TITLES ACT 1985

FORM 7B

[Subsection 53A(3)]

NOTICE AND INVENTORY

To .....  
of .....

Take notice that I have this day attached the property specified in the inventory below for the sum of ....., details of which are given below, which is owed to the management corporation by the name of ..... by ..... the proprietor of \*parcel No. .... in building No. ..../of provisional block No ..... on .....

(Description of land)

registered in the name of the said management corporation.

Take notice further that unless the amount due is paid within fourteen days from the date of this notice, the property will be sold.

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

.....  
INVENTORY

Number of Articles	Description of Property

PARTICULARS OF SUM DUE



STRATA TITLES ACT 1985

FORM 8

[Section 57]

NOTIFICATION OF INTENDED TERMINATION OF SUBDIVISION OF SUBDIVIDED BUILDING

To the Registrar, State of .....

Take notice that .....

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

\*Town/Village/Mukim ..... Lot No .....

Description and No. of Title ..... Area .....

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

2. As required by subsection 57(1) of the Strata Titles Act 1985, this notification is accompanied by the issue documents of title of the above-mentioned land and the parcels comprised in the subdivided building\*/and of provisional blocks.

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

L.S.

.....  
*Members of Council*

.....  
\*Delete as appropriate.

SECOND SCHEDULE

PROVISIONS FOR MANAGEMENT CORPORATION

[Section 39]

**Interpretation**

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

“corporation” means the management corporation in question; and

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

**Constitution of council**

2. (1) Subject to the provisions of this paragraph and to any rules made under the Act, the council shall consist of not less than three and not more than fourteen proprietors, who shall be elected at each annual general meeting and shall cease to hold office at the next annual general meeting.

(2) Where—

- (a) the first annual general meeting has not yet been held; or
- (b) there are not more than three proprietors,

the council shall consist of all the proprietors.

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

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

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

(6) Members of the council shall be eligible for re-election or reappointment.

**Meetings**

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

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

**Quorum for council meetings**

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

- (a) two, where there are not more than four members;
- (b) three, where there are five or six members;
- (c) four, where there are seven or eight members;
- (d) five, where there are nine or ten members;
- (e) six, where there are eleven or twelve members; and
- (f) seven, where there are thirteen or fourteen members.

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

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

(4) Subject to this paragraph, the council may regulate its own procedure at meetings.

#### **Delegation of powers and duties**

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

(a) delegate to any one or more of its members the exercise of any of its powers or the performance of any of its duties; and

(b) revoke the delegation at any time.

#### **Power to employ agents and servants**

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

#### **Proceedings of council**

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

(2) The council shall—

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

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

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

(4) The accounts of the corporation shall be audited annually by auditors appointed by the council.

(5) The council shall within twenty-eight days of a general meeting file with the Director certified true copies of—

(a) the audited accounts of the corporation which has been presented to the general meeting, if any;

(b) the resolutions passed at the general meeting; and

(c) the minutes of the general meeting.

(6) The council shall permit the Director or any person authorized by him to act on his behalf, at all reasonable times, full and free access to accounting and other records of the corporation, and permit the Director or such person to make copies or make extracts from any such accounting or other records.

### **Annual general meeting**

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

(2) The first annual general meeting shall be held within one month after the expiry of the initial period and subsequent annual general meetings shall be held once in each year:

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

And provided further that the holding of any annual general meeting out of time in breach of this paragraph shall not affect the validity of the annual general meeting.

### **Extraordinary general meetings**

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

(2) The council—

- (a) shall convene an extraordinary general meeting upon a requisition in writing made by the proprietors who are together entitled to at least one quarter of the aggregate share units;
- (b) shall convene an extraordinary general meeting upon receiving a direction in writing from the Director for the transaction of such business as the Director may direct; and
- (c) may convene an extraordinary general meeting on such other occasion as it thinks fit.

(3) Where the Director is satisfied that the council has not been properly constituted, he may authorize in writing any proprietor to convene an extraordinary general meeting for such purposes as may be approved by the Director.

### **Notice of general meeting**

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

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

**Quorum at general meeting**

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

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

**Chairman of general meeting**

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

**Manner of deciding questions at general meetings**

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

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

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

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

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

**Proxy**

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

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

**Voting rights of proprietor**

**15.** Each proprietor who is not a co-proprietor shall have one vote on a show of hands, and on a poll shall have such number of votes as that corresponding with the number of share units or provisional share units attached to his parcel or provisional block.

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

### **Voting rights of co-proprietors**

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

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

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

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

### **Common Seal**

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

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

**18.** (*Deleted by Act A951*).

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## THIRD SCHEDULE

### BY-LAWS FOR THE REGULATION OF SUBDIVIDED BUILDINGS

[Sections 44 and 62]

#### PART I

### **Interpretation**

**1.** (1) In the application of these by-laws to any particular subdivided building the word “corporation” shall mean the management corporation of the building.

(2) Except for paragraph 2(g), references in these by-laws to a parcel proprietor however expressed, where the context so admits, in the case of a parcel occupied by a person who is not the parcel proprietor, shall be construed as including the occupier of that parcel.

**Duties of proprietor**

2. (1) A parcel proprietor shall—
- (a) permit the corporation and its agents at all reasonable times and on reasonable notice being given (except in the case of emergency when no notice is required) to enter his parcel for the purposes of—
    - (i) inspecting the parcel;
    - (ii) maintaining, repairing or renewing pipes, wires, cables and ducts used or capable of being used in connection with the enjoyment of any other parcel or the common property;
    - (iii) maintaining, repairing or renewing the common property; and
    - (iv) executing any work or doing any act reasonably necessary for or in connection with the performance of its duties or the enforcement of these by-laws or other by-laws affecting the building;
  - (b) forthwith carry out all the work ordered by any competent public or statutory authority in respect of his parcel other than such work for the benefit of the building generally, and pay all assessments, charges and outgoings which are payable in respect of his parcel;
  - (c) repair and maintain his parcel and keep it in a state of good repair, reasonable wear and tear, and damage by fire, storm, tempest or act of God excepted;
  - (d) *(Deleted by Act A753)*;
  - (e) not use or permit to be used in such a manner or for such a purpose as to cause nuisance or danger to any other proprietor or the families of such proprietor;
  - (f) not use his parcel contrary to the terms of use of the parcel shown in the plan approved by the relevant authority; and
  - (g) notify the corporation forthwith of any intended change in the proprietorship of his parcel or of any other dealing with his parcel of which he is aware, for entry in the strata roll maintained by the corporation for this purpose.
- (2) A proprietor shall use and enjoy the common property in such a manner as not to interfere unreasonably with the use and enjoyment thereof by other proprietors or their families or visitors.

**Common property for common benefit**

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

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

**Provision of amenities or services**

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

**Functions of the corporation**

5. The corporation shall—

- (a) maintain in a state of good and serviceable repair, the fixtures and fittings (including lifts) existing on the lot and used or capable of being used in connection with the enjoyment of more than one parcel or the common property;
- (b) where practicable, establish and maintain suitable lawns and gardens on the common property;
- (c) maintain, repair and (where necessary) renew sewers, pipes, wires, cables and ducts existing on the lot and used or capable of being used in connection with the enjoyment of more than one parcel or the common property;
- (d) on the written request of a proprietor or of a registered chargee of a parcel, the corporation shall produce to the proprietor or chargee, as the case may be, (or to a person authorized in writing by the proprietor or chargee) all policies of insurance effected by the corporation together with the receipt for the last premiums paid in respect of the policies; and
- (e) without delay enter in the strata roll any intended change or any other dealing notified to it pursuant to subparagraph 2(1)(g).

**PART II****Prohibitions for parcel proprietor**

6. A parcel proprietor shall not—

- (a) use his parcel for any purposes (illegal or otherwise) which may be injurious to the reputation of the building;
  - (b) use as fuel any substance or material which may give rise to smoke or fumes or obnoxious smells;
  - (c) throw or allow to fall, any refuse or rubbish of any description on the common property or any part thereof except in refuse bins maintained by him or in refuse chutes provided in the building; or
  - (d) keep any animal in his parcel or on the common property which may cause annoyance to any other proprietor.
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FOURTH SCHEDULE

[Section 83]

REPEAL AND AMENDMENT OF PROVISIONS OF  
THE NATIONAL LAND CODE

PART I—PROVISIONS WHICH ARE REPEALED

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

PART II—PROVISIONS WHICH ARE AMENDED

<i>Provision amended</i>	<i>Amendment</i>
1. Definition of “final title” in section 5	For the words “, Land Office title and subsidiary title” substitute the words “and Land Office title”.
2. Definition of “Registrar” in section 5	Substitute therefor the following: ““Registrar” means— (a) in relation to land held or to be held under Registry title, or under the form of qualified title corresponding to Registry title, a Registrar of Titles or Deputy Registrar of Titles appointed under section 12; (b) in relation to land held or to be held under Land Office title, or under the form of qualified title corresponding thereto, the Land Administrator.’
3. Heading appearing before section 158	Delete the words “(other than the Subsidiary Register)”.

<i>Provision amended</i>	<i>Amendment</i>
4. Paragraph 165(1)(a)	For the words “the issue documents appropriate thereto and documents relating to parcels held under subsidiary title”, substitute the words “the issue documents appropriate thereto”.
5. Heading appearing before section 256	For the words “PROCEDURE REGISTRY TITLE, QUALIFIED TITLE CORRESPONDING THERETO, AND SUBSIDIARY TITLE,” substitute the words “PROCEDURE REGISTRY TITLE AND QUALIFIED TITLE CORRESPONDING THERETO”.
6. Subsection 256(1)	Substitute therefor the following: “(1) This section applies to land held under— (a) Registry title; or (b) the form of qualified title corresponding to Registry title, and to any lease of any such land.”.
7. Subsection 260(1)	Substitute therefor the following: “(1) This section applies to land held under— (a) Land Office title; or (b) the form of qualified title corresponding to Land Office title, and to any lease of any such land.”.

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**LAWS OF MALAYSIA****Act 318****STRATA TITLES ACT 1985**

## LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act A753	Strata Titles (Amendment) Act 1990	23-02-1990
Act A951	Strata Titles (Amendment) Act 1996	02-08-1996
Act A1107	Strata Titles (Amendment) Act 2001	01-12-2001

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## LAWS OF MALAYSIA

### Act 318

## STRATA TITLES ACT 1985

### LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
4	Act A753 Act A951 Act A1107	23-02-1990 02-08-1996 01-12-2001
6	Act A753 Act A951	23-02-1990 02-08-1996
7	Act A951	02-08-1996
8	Act A753 Act A1107	23-02-1990 01-12-2001
9	Act A753 Act A951	23-02-1990 02-08-1996
10	Act A753 Act A951	23-02-1990 02-08-1996
10A	Act A753 Act A951	23-02-1990 02-08-1996
13	Act A951	02-08-1996
14A	Act A753	23-02-1990
15	Act A753 Act A1107	23-02-1990 01-12-2001
16	Act A753	23-02-1990
17	Act A753	23-02-1990
19	Act A753	23-02-1990
20	Act A753	23-02-1990
21	Act A753	23-02-1990
22A	Act A753	23-02-1990

Section	Amending authority	In force from
22B	Act A753	23-02-1990
25	Act A1107	01-12-2001
27	Act A1107	01-12-2001
28	Act A1107	01-12-2001
33A	Act A1107	01-12-2001
PART VI	Act A753	23-02-1990
34	Act A753	23-02-1990
36	Act A753	23-02-1990
38	Act A753	23-02-1990
39	Act A1107	01-12-2001
40	Act A753	23-02-1990
41	Act A753 Act A1107	23-02-1990 01-12-2001
41A	Act A1107	01-12-2001
42	Act A753	23-02-1990
43	Act A753	23-02-1990
44	Act A753 Act A1107	23-02-1990 01-12-2001
45	Act A753 Act A1107	23-02-1990 01-12-2001
46	Act A1107	01-12-2001
47	Act A753	23-02-1990
48	Act A753	23-02-1990
50	Act A753 Act A1107	23-02-1990 01-12-2001
51	Act A753	23-02-1990
52	Act A753	23-02-1990
53	Act A753	23-02-1990

Section	Amending authority	In force from
53A	Act A753 Act A1107	23-02-1990 01-12-2001
55	Act A753	23-02-1990
55A	Act A1107	01-12-2001
57	Act A753	23-02-1990
58	Act A753	23-02-1990
61A	Act A753	23-02-1990
64	Act A753	23-02-1990
64A	Act A753 Act A1107	23-02-1990 01-12-2001
66A	Act A753	23-02-1990
Part IXA	Act A1107	01-12-2001
67A-67X	Act A1107	01-12-2001
68	Act A753	23-02-1990
71	Act A753	23-02-1990
72	Act A753	23-02-1990
76	Act A753	23-02-1990
80A	Act A1107	01-12-2001
81	Act A753 Act A1107	23-02-1990 01-12-2001
83	Act A753	23-02-1990
84	Act A753	23-02-1990
85	Act A753	01-06-1985
First Schedule	Act A753 Act A951 Act A1107	23-02-1990 02-08-1996 01-12-2001
Second Schedule	Act A753 Act A951	23-02-1990 02-08-1996
Third Schedule	Act A753	23-02-1990

