

**CAYMAN ISLANDS**



# **STRATA TITLES REGISTRATION LAW**

**(2013 Revision)**

**Supplement No. 14 published with Gazette No. 21 of 21st October, 2013.**

## PUBLISHING DETAILS

---

Law 14 of 1973 consolidated with Laws 1 of 1983, 14 of 1994, 8 of 2005 and 10 of 2012.

Revised under the authority of the *Law Revision Law (1999 Revision)*.

Originally enacted —

Law 14 of 1973-25th October, 1973

Law 1 of 1983-22nd February, 1983

Law 14 of 1994-23rd September, 1994

Law 8 of 2005-24th February, 2005

Law 10 of 2012-29th August, 2012.

Consolidated and revised this 31st day of July, 2013.

*Note (not forming part of the Law): This revision replaces the 2005 Revision which should now be discarded.*



CAYMAN ISLANDS



STRATA TITLES REGISTRATION LAW  
(2013 Revision)

Arrangement of Sections

Section	Page
<b>PART I - Introductory</b>	
1. Short title .....	7
2. Definitions.....	7
<b>PART II - Strata Lots</b>	
3. Creation of strata lots.....	9
4. Requirements of a strata plan .....	10
<b>PART III - Corporations</b>	
5. Establishment of a corporation.....	11
6. Duties and powers of a corporation.....	11
7. Service of documents on corporations .....	13
8. Voting rights .....	13
9. Administration.....	14
<b>PART IV - Registration and Dealings</b>	
10. Registration of strata plans .....	14
11. Strata lot registers.....	15
12. Easements .....	15
13. Ownership of common property .....	16
14. Disposition of common property.....	16
14A. Acquisition of additional property .....	17



## PART V - Phased Development

15. Definitions in this Part .....	17
16. Subdivision of land into strata lots in phases .....	18
17. Procedure for subdivision in phases .....	18
18. Proposed strata lot development plans .....	18
19. Phase strata plans .....	19
20. Application of this Law .....	19

## PART VI - Management and Administration

21. Bye-laws .....	19
22. Creation of easements and agreements .....	20
23. Destruction of a building .....	20
24. Regulations .....	22
25. Rules of court .....	22
26. Offences .....	22
27. Hotels Aid Law (1995 Revision) .....	22

## **SCHEDULE 1 23**

### **ARRANGEMENT OF BYE-LAWS 23**

#### **Bye-laws amendable only by unanimous resolution 25**

Duties of proprietor .....	25
Duties of corporation .....	25
Powers of corporation .....	26
First general meeting .....	26
Subsequent general meetings .....	26
Extraordinary general meetings .....	27
Calling of extraordinary general meeting .....	27
Notice of meetings .....	27
Transaction of business .....	27
No business transacted without quorum .....	27
Adjournment for lack of quorum .....	27
Election of chairman .....	27
Executive committee .....	28
Composition of executive committee .....	28
Removal of executive committee member .....	28
Vacancies on executive committee .....	28
Quorum of executive committee .....	28
Election of executive committee chairman .....	28
Voting at executive committee .....	28
Procedure at executive committee .....	29
Agents and delegation .....	29
Records and accounts of executive committee .....	29
Validity of proceedings of executive committee .....	29
Voting at general meeting .....	29
Taking of a poll .....	30
Casting vote .....	30
Allocation of votes .....	30



---

Votes by proxy .....	30
Proxy instruments .....	30
Entitlement to vote .....	30
Co-proprietors voting .....	30
Successive interests of proprietors .....	31
Trustees .....	31
Common seal .....	31
<b>SCHEDULE 2</b> .....	<b>32</b>
<b>Bye-laws amendable by the Corporation</b> .....	<b>32</b>
Prohibited use of strata lot .....	32
Restrictions on use of strata lot .....	32



## CAYMAN ISLANDS



# STRATA TITLES REGISTRATION LAW

(2013 Revision)

## PART I - Introductory

### Short title

1. This Law may be cited as the *Strata Titles Registration Law (2013 Revision)*.

### Definitions

2. (1) In this Law —

“**administrator**” means an administrator appointed under section 9(2);

“**building**” means the building or buildings shown in a strata plan;

“**charge**” includes “**mortgage**”;

“**common property**” means, in relation to any strata plan, so much of the land to which such plan relates as is for the time being not included in any strata lot contained in such plan;

“**corporation**” means, in relation to any registered strata plan, a body incorporated by section 5;

“**court**” means the Grand Court;

“**executive committee**” means the executive committee of a corporation constituted under Schedule 1;

“**parcel**” includes land subdivided in accordance with a strata plan registered pursuant to section 10;

“**proprietor**” means the proprietor for the time being of a strata lot;

“**Registrar**” and “**registration**” have the meanings ascribed to them in the *Registered Land Law (2004 Revision)*;

“**special resolution**” means —

- (a) in the case of a strata located wholly or partly in a Beach Resort/ Residential zone, Commercial zone, Hotel Tourism zone or Industrial zone, a resolution passed at a duly convened meeting of its corporation by —
  - (i) not less than two-thirds of the votes cast at the meeting; and
  - (ii) the total of the unit entitlements for the strata lots for which votes are counted for the resolution is not less than two-thirds of the total of the unit entitlements for all strata lots included in the strata; and
- (b) in the case of a strata not located in the zones specified in paragraph (a), a resolution passed at a duly convened meeting of its corporation by —
  - (i) not less than three-quarters of the votes cast at the meeting; and
  - (ii) the total of the unit entitlements for the strata lots for which votes are counted for the resolution is not less than three-quarters of the total of the unit entitlements for all strata lots included in the strata;

“**strata**” has reference to titles to the ownership of not less than four self contained units for residential or business purposes (which latter expression includes office accommodation, shops and warehouses but, subject to section 3 (6) and (7), excludes any part of a hotel), those units being units —

- (a) which are either —
  - (i) detached buildings, divisions or subdivisions of one or more buildings; or
  - (ii) divisions or subdivisions of a parcel (including any building, subject to section 3 (6) and (7), other than a hotel, thereon); and
- (b) which may be divided horizontally or vertically from, and may have a common roof and common foundations with one or more other such units, and may share the use of service buildings and other facilities in common, the units being located on a single parcel of land and under the management of a corporation established under this Law.

“**strata lot**” means a horizontal or vertical subdivision of a parcel which is shown on a registered plan as a strata lot;

“**strata plan**” means a plan of the type referred to in section 4;

“**super-majority resolution**” means —





- (a) in the case of a strata located wholly or partly in a Beach Resort/ Residential zone, Commercial zone, Hotel Tourism zone or Industrial zone, a resolution passed at a duly convened meeting of its corporation by —
    - (i) not less than three-quarters of the votes cast at the meeting; and
    - (ii) the total of the unit entitlements for the strata lots for which votes are counted for the resolution is not less than three-quarters of the total of the unit entitlements for all strata lots included in the strata;
  - (b) in the case of a strata not located in the zones specified in paragraph (a), a resolution passed at a duly convened meeting of its corporation by —
    - (i) not less than nine-tenths of the votes cast at the meeting; and
    - (ii) the total of the unit entitlements for the strata lots for which votes are counted for the resolution is not less than nine-tenths of the total of the unit entitlements for all strata lots included in the strata; and
- “**unit entitlement**” means, in relation to any strata lot, the number specified in accordance with paragraph (d) of section 4(1).
- (2) For the purposes of this Law, the expressions “Beach Resort/ Residential zone”, “Commercial zone”, “Hotel/Tourism zone” and “Industrial zone” have the same meanings, respectively, as in the *Development and Planning Regulations (2013 Revision)*.

## PART II - Strata Lots

### Creation of strata lots

- 3. (1) Subject to this Law, the proprietor of land upon which a building is or is to be constructed may apply to the Registrar, in the manner provided by or under this Law and prescribed under the *Registered Land Law (2004 Revision)*, for the registration of the horizontal or vertical subdivisions, to be known as strata lots, in accordance with a plan (to be known as a strata plan) which shall accompany the application.
- (2) When a strata plan has been so registered, any strata lot included therein may devolve or be dealt with in the same manner and form as land under the operation of the *Registered Land Law (2004 Revision)*.
- (2A) Upon registration of a strata plan, complete strata plan, phase strata plan and an amended strata plan —
  - (a) the land described in such plan is divided into strata lots and common property, if any, in accordance with the plan; and

- (b) the proprietor of each strata lot is entitled to all the rights and obligations of a proprietor including the right to vote as a member of the corporation established upon registration of the plan in accordance with section 5.
- (3) A strata plan shall, for the purposes of the *Registered Land Law (2004 Revision)*, be deemed upon registration to be embodied in the register kept under that Law, and notwithstanding that Law the proprietor of each strata lot shall hold such strata lot and his share in the common property subject to —
  - (a) any interests affecting such strata lot or such share; and
  - (b) any amendments to strata lots or common property, notified, or shown, as the case may require, on the registered strata plan.
- (4) Notwithstanding subsection (1), a strata plan may be lodged for registration, and acts preparatory to the registration thereof may be done in relation thereto before the land comprised therein is brought under the operation of the *Registered Land Law (2004 Revision)*.
- (5) Any enactment, other than this Law, relating to the subdivision of land for sale or for the purpose of building thereon shall, to such extent as may be prescribed by regulations under this Law, not apply to land comprised in a strata plan.
- (6) The Governor in Cabinet may, upon the application of any proprietor, grant permission for the registration of a strata plan over a parcel of land being used or intended to be used wholly or partly as a hotel, and such permission may be granted upon such terms and conditions as the Governor in Cabinet thinks fit.
- (7) The Governor in Cabinet may make regulations relating to the manner of making an application under subsection (6).

### Requirements of a strata plan

4. (1) Every strata plan shall —
- (a) state the full reference of the parcel and be described as a strata plan;
  - (b) delineate the boundaries of the parcel and the location of any building or buildings in relation thereto;
  - (c) include such elevations, sections, plans, diagrams and other information as shall be sufficient to —
    - (i) illustrate the strata lots and distinguish each lot by a number;
    - (ii) define the boundaries of each strata lot in any building or buildings by reference to floors, walls and ceilings:  
Provided, however, that it shall not be necessary to show any bearings or dimensions of the strata lots; and
    - (iii) specify the approximate area of each strata lot;



- (d) have endorsed upon it a schedule setting out the unit entitlement of each strata lot indicating as a whole number the proportion of the common property allocated to that strata lot;
  - (e) have endorsed upon it the address at which documents may be served upon the corporation; and
  - (f) contain such other particulars and be accompanied by such certificates and other documents as may be prescribed.
- (2) The reference of the parcel and the number of the strata lot shall together be a sufficient reference to a strata lot.
- (3) The common boundary between any two strata lots or between a strata lot and common property shall, unless otherwise specified in the relevant strata plan, be the boundary line or the centre line of the floor, wall or ceiling between such strata lots or between such strata lot and the common property, as the case may be.
- (4) The unit entitlement of each strata lot shall, as respects the proprietor of such strata lot, determine —
- (a) the quantum of his share in the relevant corporation; and
  - (b) the proportion payable by him of contributions levied pursuant to paragraph (b) of section 6(2).

## **PART III - Corporations**

### **Establishment of a corporation**

5. (1) The proprietors of all the strata lots contained in any strata plan shall, upon registration of the strata plan, become a body corporate (hereafter referred to as “a corporation”) under the name “The proprietors, Strata Plan No.” (with the appropriate number of the strata plan inserted in the blank space).
- (2) Every corporation shall have perpetual succession, a common seal and be capable of suing and being sued in its name.
- (3) Any enactment providing for the incorporation, regulation and winding-up of companies shall not apply to corporations.

### **Duties and powers of a corporation**

6. (1) The duties of a corporation shall include the following —
- (a) to insure and keep insured the building to the replacement value thereof against fire, earthquake, hurricane and such other risks as may be prescribed, unless the proprietors by super-majority resolution otherwise determine;
  - (b) to effect such insurance as it may be required by law to effect;

- (c) to insure against such risks other than those referred to elsewhere in this subsection as the proprietors may, from time to time by unanimous resolution, determine;
  - (d) subject to section 23(2) and (3) and to such conditions as may be prescribed, 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 so to do;
  - (e) to pay premiums on any policies of insurance effected by it;
  - (f) to keep in a state of good and serviceable repair and properly maintain the common property;
  - (g) to comply with notices or orders by any competent public or local authority requiring repairs to, or work to be done in respect of, the parcel; and
  - (h) to comply with any reasonable request for the names and addresses of the members of the executive committee.
- (2) The powers of a corporation include the following —
- (a) to establish a fund for administrative expenses sufficient in the opinion of such corporation for the control, management and administration of the common property, for the payment of any premiums of insurance and for the discharge of any of its other obligations;
  - (b) to determine, from time to time, the amounts to be raised for the fund referred to in paragraph (a) and to raise amounts so determined by levying contributions on the proprietors in proportion to the unit entitlement of their respective lots;
  - (c) to recover from any proprietor, by an action for debt in any court of competent jurisdiction, any sum of money expended by the corporation for repairs to or work done by it or at its direction in complying with any notice or order by a competent public or local authority in respect of that portion of the building which constitutes or includes the strata lot of that proprietor; and
  - (d) to enter any strata lot and effect repairs or carry out work pursuant to its duty under paragraph (g) of subsection (1).
- (3) Subject to subsection (4), any contribution levied pursuant to subsection (2) shall be due and payable on the passing of a resolution to that effect and in accordance with the terms of such resolution, and may be recovered as a debt by a corporation in an action in any court of competent jurisdiction from the proprietor entitled at the time when such resolution was passed and from the proprietor entitled at the time when such action was instituted, both jointly and severally.
- (4) A corporation shall, on the application of a proprietor or any person authorised in writing by him, certify —



- (a) the amount of any contribution determined as the contribution of that proprietor;
  - (b) the manner in which such contribution is payable; and
  - (c) the extent to which such contribution has been paid by that proprietor,
- and, in favour of any person dealing with that proprietor, such certificate shall be conclusive evidence of the matters certified therein.
- (5) A policy of insurance authorised by subsection (1) and in respect of the building shall not be liable to be brought into contribution with any other policy of insurance save another policy authorised by this section in respect of the same building.

### **Service of documents on corporations**

7. (1) Every corporation shall cause to be kept, at a conspicuous place at or near the front of the land to which the relevant strata plan relates, a receptacle suitable for purposes of postal delivery, with the name of the corporation clearly shown thereon.
- (2) Any summons, notice, order or other document may be served on the corporation by post in a prepaid letter addressed to the corporation at the address shown on the strata plan, or by placing it in the receptacle referred to in subsection (1).

### **Voting rights**

8. (1) Any powers of voting conferred by or under this Law may be exercised —
- (a) in the case of a proprietor who is an infant, by his guardian; or
  - (b) in the case of a proprietor who is for any other reason unable to control his property, by the person who for the time being is authorised by law to control that property.
- (2) Where the court, upon the application of a corporation or of any proprietor, is satisfied that there is no person able to vote in respect of a strata lot the court —
- (a) shall, in cases where a super-majority resolution is required by this Law; and
  - (b) may, in its discretion in any other case,
- appoint some fit and proper person for the purpose of exercising such powers of voting under this Law as the court shall determine, and the court may, in making such appointment, make such order as it thinks necessary or expedient to give effect to such appointment, including an order as to the payment of costs of the application, and may vary any order so made.
- (3) The court may order service of notice of the application referred to in subsection (2) on such person as it thinks fit or may dispense with service of such notice.

**Administration**

9. (1) Every corporation or any person having an interest in a strata lot may apply to the court for appointment of an administrator.
- (2) The court may, in its discretion on cause shown, appoint an administrator for an indefinite period or for a fixed period on such terms and conditions as to remuneration or otherwise as it thinks fit. The remuneration and expenses of the administrator shall be an administrative expense within the meaning of this Law.
- (3) The administrator shall, to the exclusion of the corporation, have the duties and powers of the corporation or such of those duties and powers as the court shall order.
- (4) The administrator may delegate any of the powers vested in him under subsection (3).
- (5) The court may, in its discretion on the application of the administrator or any person referred to in subsection (1), remove or replace the administrator.
- (6) On any application made under this section, the court may make such order for the payment of costs as it thinks fit.

**PART IV - Registration and Dealings****Registration of strata plans**

10. If the Registrar is satisfied that an application for registration of a strata plan is in order he shall —
- (a) file the strata plan;
  - (b) open a new register in respect of each strata lot shown on the strata plan in accordance with section 11; and
  - (c) in respect of the register relating to the parcel —
    - (i) record in the property section that the land comprised consists only of the common property;
    - (ii) in the proprietorship section delete the name of the proprietor, substitute the name of the strata lot corporation established under section 5 (and enter a restriction prohibiting any dealings with the land otherwise than by order of the court or of the Registrar); and
    - (iii) note in the incumbrance section that registers in respect of the strata lots have been opened.



**Strata lot registers**

- 11.** (1) The registers opened by the Registrar in accordance with section 10 in respect of each strata lot in a parcel shall record —
- (a) all the particulars recorded in the property section of the register relating to the parcel in question and including the unit entitlement of the strata lot in question;
  - (b) the proprietor of the parcel as the first proprietor of the strata lot; and
  - (c) the incumbrances noted in the incumbrances section of the register relating to the parcel:
- Provided that if the Registrar is satisfied that any of such particulars or incumbrances do not apply to the strata lot he shall omit them from the register relating to the strata lot and record the reason for his decision.
- (2) A strata lot shall be deemed —
- (a) for the purposes of sections 23 and 24 of the *Registered Land Law (2004 Revision)* to be a parcel; and
  - (b) for all purposes of this Law to be land.

**Easements**

- 12.** (1) In respect of every strata lot there shall be implied —
- (a) in favour of the proprietor thereof, and as appurtenant thereto —
    - (i) an easement for the subjacent and lateral support thereof by the common property and by every other strata lot capable of affording support thereto; and
    - (ii) easements for the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air and other services (including telephone, radio and television services) through or by means of any pipes, wires, cables or ducts for the time being existing in the land to which the relevant registered strata plan relates, to the extent to which such pipes, wires, cables or ducts are capable of being used in connection with the enjoyment of such strata lot; and
  - (b) as against the proprietor thereof and to which it shall be subject —
    - (i) an easement for the subjacent and lateral support of the common property and of every other strata lot capable of enjoying support from such strata lot; and
    - (ii) easements for the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air and other services (including telephone, radio and television services) through or by means of any pipes, wires, cables or ducts for the time being

existing within such strata lot, as appurtenant to the common property and to every other strata lot capable of enjoying such easements.

- (2) The proprietor of a strata lot shall be entitled to have his strata lot sheltered by all such parts of the building as are capable of affording shelter thereto.
- (3) The right created by subsection (2) shall be an easement to which the aforesaid parts of the building shall be subject, and such easement shall entitle the proprietor of the dominant tenement to enter on the servient tenement to replace, renew or restore any shelter.
- (4) All ancillary rights and obligations reasonably necessary to make easements effective shall apply in relation to easements implied or created by this section.

### **Ownership of common property**

- 13.** (1) The common property shall be held by the members as proprietors in common in shares proportionate to the unit entitlement of their respective strata lots.
- (2) The Registrar shall, in making out a land certificate for any strata lot, certify therein the proprietor's share in the common property.
- (3) Save as is provided in this Law, no share in the common property shall be disposed of except as appurtenant to a strata lot and any assurance of a strata lot shall operate to assure the share of the disposing party in the common property without express reference thereto.

### **Disposition of common property**

- 14.** (1) The proprietors may, by super-majority resolution, direct their corporation to transfer or lease the common property or any part thereof.
- (2) If a corporation is satisfied that the resolution was duly passed and that all persons having interests, of which the corporation has notice, in the parcel have consented in writing to the release of those interests in the land comprised in the proposed transfer or lease or, in the case of a lease, having approved in writing of the execution of the lease, the corporation shall execute the appropriate transfer or lease and such transfer or lease shall be valid and effective without execution by any person having an interest in the common property, and the receipt of the corporation for the purchase money, rent or other money payable to the corporation under the terms of the transfer or lease shall be a sufficient discharge and shall exonerate all persons taking under the transfer or the lease, as the case may be, from any responsibility for the application of the moneys expressed to have been received.
- (3) Every such transfer or lease lodged for registration shall be endorsed with or accompanied by a certificate under the seal of the corporation that the resolution referred to in subsection (1) was duly passed, that the transfer or lease conforms with the terms thereof and that all necessary consents were given, and such





certificate shall, in favour of purchasers of the common property and in favour of the Registrar, be conclusive evidence of the facts stated therein.

### **Acquisition of additional property**

- 14A.**(1) Proprietors may by special resolution, direct their corporation to accept a transfer or acquire a lease of any land for the purpose of adding such land to the common property or for such other purpose of the corporation as may be determined by special resolution of the proprietors.
- (2) Every such acquisition or lease under subsection (1) lodged for registration shall be endorsed with or accompanied by a certificate under the seal of the corporation that the resolution referred to in subsection (1) was duly passed, that the acquisition or lease conforms with the terms thereof and that all necessary consents were given; and such certificate shall, in favour of vendors of the land and in favour of the Registrar, be conclusive evidence of the facts stated therein.

## **PART V - Phased Development**

### **Definitions in this Part**

**15.** In this Part —

“complete strata plan”, in relation to a subdivision of land into strata lots in phases, means a strata plan specifying all the strata lots (and the whole of the common property) of a proposed development in relation to a building or buildings;

“future development strata lot”, in relation to a subdivision of land into strata lots in phases, means a strata lot that is proposed to be developed at a later phase of the development, and that is shown on a phase strata plan as a future development strata lot;

“phase strata plan”, in relation to a subdivision of land into strata lots in phases, means a strata plan specifying each strata lot and each part of the common property that has so far been completed showing that every building shown on the plan has been erected, and all other development work has been carried out, to the extent necessary to enable all the boundaries of every strata lot and the common property shown on the plan to be physically measured at the date of the lodgement of the plan, the balance being specified as one or more future development strata lots; and

“proposed strata lot development plan”, in relation to a subdivision of land into strata lots in phases, means a plan specifying all the strata lots, and the whole of the common property, proposed to be included in the development when it is completed.

**Subdivision of land into strata lots in phases**

- 16.** Every person who under this Law may apply to register subdivisions of land, may, in accordance with this Part, register those subdivisions in two or more phases.

**Procedure for subdivision in phases**

- 17.** The subdivision of land so as to provide for strata lots in two or more phases shall be effected by the successive registration of —
- (a) a proposed strata lot development plan, which shall specify all the strata lots, and the whole of the common property, proposed to be included in the development when it is completed;
  - (b) one or more phase strata plans each of which shall, in addition to satisfying the requirements of section 4, specify —
    - (i) each part of any common property that has been completed, in relation to any building forming part of the development which has also been completed; and
    - (ii) any area (designated on the plan as a future development strata lot) in which further development subdivision and other operations are required to complete the development; and
  - (c) a complete strata plan.

**Proposed strata lot development plans**

- 18.** (1) A proposed strata lot development plan shall not be registered unless it is accompanied by a phase strata plan in respect of the same development.
- (2) When a proposed strata lot development plan has been registered, the proposed strata development shall not be further altered in any way, unless a further proposed strata lot development plan has been registered, incorporating the proposed changes, in accordance with subsections (3) and (4).
- (3) The applicant for registration of a further proposed strata lot development plan must have obtained the unanimous consent —
- (a) of every proprietor of a strata lot (including a future development strata lot) shown on the latest phase strata plan registered in respect of the development;
  - (b) of every other person who has a registered interest in any such strata lot; and
  - (c) of every cautioner claiming any interest in any such strata lot.
- (4) The applicant for registration of the further proposed strata lot development plan must have assigned to every strata lot shown on the plan its unit entitlement.



**Phase strata plans**

- 19.** (1) Every successive phase strata plan after the first, and the complete strata plan, relating to a development shall be deposited in substitution for, and under the same number as, the phase strata plan previously registered in respect of that development.
- (2) On each phase strata plan (including the first), and on the complete strata plan, the unit entitlement to be assigned to each strata lot shall be that shown on the proposed strata lot development plan in respect of that strata lot.

**Application of this Law**

- 20.** Subject to this Part, the other provisions of this Law shall apply in respect of —
- (a) subdivisions of land into strata lots under this Part; and
  - (b) phase strata plans and complete strata plans.

**PART VI - Management and Administration****Bye-laws**

- 21.** (1) Subject to this Law, the control, management, administration, use and enjoyment of the strata lots and the common property contained in every registered strata plan shall be regulated by bye-laws.
- (2) The bye-laws shall include —
- (a) the bye-laws set forth in Schedule 1, which shall not be amended or varied except by super-majority resolution;
  - (b) the bye-laws set forth in Schedule 2, which may be amended or varied by the corporation.
- (3) Until bye-laws are made by a corporation in that behalf, the bye-laws set forth in Schedules 1 and 2 shall, as and from the registration of a strata plan, be in force for all purposes in relation to the relevant parcel and the strata lots and common property therein.
- (4) No bye-law shall operate to prohibit or restrict the devolution of strata lots or any dealing therewith or to destroy or modify any easement implied or created by this Law.
- (5) No amendment or variation of any bye-law shall have effect until the relevant corporation has lodged with the Registrar a notification thereof in such form as may be prescribed and until the Registrar notifies the corporation that he has made reference thereto on the relevant registered strata plan.

- (6) Every corporation shall, on the application of a proprietor or any person authorised in writing by him, make available for inspection the bye-laws for the time being in force.
- (7) Bye-laws for the time being in force shall bind every corporation and the proprietors to the same extent as if such bye-laws had respectively been signed and sealed by such corporation and each proprietor and contained covenants on the part of such corporation with each proprietor and on the part of each proprietor with every other proprietor and with such corporation to observe and perform all the bye-laws.

### **Creation of easements and agreements**

- 22.** (1) The proprietors may —
- (a) by super-majority resolution, direct their corporation to execute on their behalf a grant of easement or a restrictive agreement burdening the parcel; and
  - (b) by special resolution, direct their corporation to accept on their behalf a grant of easement or restrictive covenant benefiting the parcel.
- (2) If the corporation is satisfied that the resolution was duly passed and that all persons having interests, of which the corporation has notice, in the parcel have voted, consented in writing or been served in accordance with section 153 of the *Registered Land Law (2004 Revision)* with notice of the release of those interests in respect of the land comprised in the proposed disposition the corporation shall execute the appropriate instrument, and such instrument shall be valid and effective without execution by any person having an interest in the parcel, and the receipt of the corporation for any money payable to it under the terms of such instrument shall be a sufficient discharge and shall exonerate all persons taking under such instrument from any responsibility for the application of the moneys expressed to have been so received.
- (3) Every such instrument lodged for registration shall be endorsed with or accompanied by a certificate under the seal of the corporation that the resolution referred to in subsection (1) was duly passed and that all necessary consents were given, and such certificate shall, in favour of persons dealing with the corporation pursuant to this section and in favour of the Registrar, to be conclusive evidence of the facts stated therein.

### **Destruction of a building**

- 23.** (1) Where a building is destroyed —
- (a) the corporation shall forthwith lodge with the Registrar, in such form as may be prescribed, a notification of such destruction; and
  - (b) the Registrar shall, upon receipt of such notification, make, in such form as may be prescribed, an entry thereof on the registered strata plan,



and thereafter the proprietors of all the strata lots contained in such strata plan shall be entitled to the parcel as proprietors in common in shares proportionate to the unit entitlement of their respective strata lots and sections 14 and 22 shall apply in relation to the transfer or lease of the parcel and to the creation of any easement or restrictive agreement burdening or benefiting it.

- (2) For the purposes of this Law, a building referred to in subsection (1) is destroyed —
  - (a) when the proprietors by super-majority resolution so resolve; or
  - (b) when the court is satisfied that, having regard to the rights and interests of the proprietors as a whole, it is just and equitable that such building shall be deemed to have been destroyed and makes a declaration to that effect.
- (2A) Where a resolution has been passed pursuant to subsection (2) and the resolution related to the voluntary destruction of a building by the corporation, the corporation shall settle the interests of the proprietors of the strata lots in that building as follows —
  - (a) by paying any one or more of the proprietors the market value of his or their interest in the strata lots in the building;
  - (b) by offering to any one or more of the proprietors in exchange for his or their strata lots in the building a strata lot or strata lots to be developed in the building or other strata lots located elsewhere on the parcel;
  - (c) by acting in accordance with both paragraphs (a) and (b); or
  - (d) in the absence of agreement under paragraph (a) or (b), by applying to the court for settlement under regulation 19 of the *Strata Titles Registration Regulations (2006 Revision)*.
- (3) In any case where a declaration has been made pursuant to paragraph (b) of subsection (2) the court may, by order, impose such conditions and give such directions (including directions for the payment of money) as it thinks fit for the purpose of adjusting, as between the corporation and the proprietors and as amongst the proprietors themselves, the effect of the declaration.
- (4) An application for a declaration under paragraph (b) of subsection (2) may be made to the court by the corporation, by a proprietor or by a registered chargee of a strata lot.
- (5) On any application to the court for a declaration under paragraph (b) of subsection (2) any insurer who has effected insurance on the building or on any part thereof (being insurance against destruction of strata lots or damage to the building) shall have the right to appear in person or by an attorney-at-law.
- (6) The court may, on the application of a corporation, any member thereof or the administrator, by order, make provision for the winding-up of the affairs of the corporation and may, by the same or a subsequent order, declare the corporation dissolved as on and from a date specified in the order.

- (7) On any application under this section the court may make such order for the payment of costs as it thinks fit.
- (8) The court may, from time to time, vary any order made by it under subsection (3) or (7).

### **Regulations**

- 24.** The Governor in Cabinet may make regulations generally for the proper carrying out of this Law, and in particular, but without prejudice to the generality of the foregoing, may make regulations —
- (a) as to the manner and form of registering strata plans;
  - (b) providing for the amendment of registered strata plans;
  - (c) prescribing the manner of registering transfers and leases of common property;
  - (d) providing for cases where a building is damaged but not destroyed;
  - (e) providing for the insurance of strata lots by the proprietors thereof;
  - (f) providing for the voting rights of chargees of strata lots;
  - (g) prescribing the fees to be paid for anything required or permitted to be done under this Law; and
  - (h) prescribing any other matter or anything which may be, or is required by this Law to be, prescribed.

### **Rules of court**

- 25.** Provision may be made by rules of court as to the practice and procedure to be followed in relation to applications which may be made to the court under this Law.

### **Offences**

- 26.** If there is failure to comply with any notice, order or request referred to in paragraph (g) or (h) of section 6(1) or with any requirement of section 7(1), 21(6) or 23 (1)(a), the corporation and every member thereof who is knowingly a party to such failure commits an offence and is liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months.

### **Hotels Aid Law (1995 Revision)**

- 27.** A building and common property within the meaning of this Law shall not be interpreted to mean a hotel within the meaning of the *Hotels Aid Law (1995 Revision)*.



## **SCHEDULE 1**

### **ARRANGEMENT OF BYE-LAWS**

1. Duties of proprietor
2. Duties of corporation
3. Powers of corporation
4. First general meeting
5. Subsequent general meetings
6. Extraordinary general meetings
7. Calling of extraordinary general meeting
8. Notice of meetings
9. Transaction of business
10. No business transacted without quorum
11. Adjournment for lack of quorum
12. Election of chairman
13. Executive committee
14. Composition of executive committee
15. Removal of executive committee member
16. Vacancies on executive committee
17. Quorum of executive committee
18. Election of executive committee chairman
19. Voting at executive committee
20. Procedure at executive committee
21. Agents and delegation
22. Records and accounts of executive committee
23. Validity of proceedings of executive committee
24. Voting at general meeting
25. Taking of a poll
26. Casting vote
27. Allocation of votes
28. Votes by proxy
29. Proxy instruments



- 30. Entitlement to vote
- 31. Co-proprietors voting
- 32. Successive interests of proprietors
- 33. Trustees
- 34. Common seal





**SCHEDULE 1****Bye-laws amendable only by unanimous resolution****section 21***Duties of proprietor*

1. A proprietor shall —

- (a) permit his corporation and its agents, at all reasonable times on notice (except in case of emergency when no notice shall be required), to enter his strata lot for the purpose of inspecting it and maintaining, repairing or renewing pipes, wires, cables and ducts for the time being existing in the strata lot and capable of being used in connection with the enjoyment of any other strata lot or common property, or for the purpose of maintaining, repairing or renewing common property, or for the purpose of ensuring that the bye-laws are being observed;
- (b) pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his strata lot;
- (c) repair and maintain his strata lot, and keep it in a state of good repair, reasonable wear and tear, damage by fire, storm, tempest or act of God excepted;
- (d) use and enjoy the common property in such a manner as not unreasonably to interfere with the use and enjoyment thereof by other proprietors or their families or visitors;
- (e) not use his strata lot or permit it to be used in such manner or for such purpose as shall cause a nuisance or hazard to the occupier of any other strata lot (whether a proprietor or not) or any member of the household or any guest of such occupier; and
- (f) notify the corporation forthwith upon any change of ownership or of any mortgage charge or other dealing in connection with his strata lot.

*Duties of corporation*

2. Every corporation shall —

- (a) control, manage and administer the common property for the benefit of all proprietors;
- (b) keep in a state of good and serviceable repair and properly maintain the fixtures and fittings (including elevators) used in connection with the common property;

- (c) where practicable, establish and maintain suitable lawns and gardens on the common property;
- (d) maintain and repair (including renewal where reasonably necessary) pipes, wires, cables and ducts for the time being existing in the parcel and capable of being used in connection with the enjoyment of more than one strata lot or common property; and
- (e) on the written request of the proprietor or registered chargee of a strata lot, produce to such proprietor or chargee, or any person authorised in writing by such proprietor or chargee, the policy or policies of insurance effected by the corporation and the receipt or receipts for the last premiums in respect thereof.

### *Powers of corporation*

#### 3. The corporation may —

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

### *First general meeting*

4. A general meeting of proprietors shall be held within three months after registration of the strata plan.

### *Subsequent general meetings*

5. Subsequent general meetings (hereafter referred to as 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 that of the next.



*Extraordinary general meetings*

6. All general meetings other than the annual general meetings shall be called extraordinary general meetings.

*Calling of extraordinary general meeting*

7. Every corporation may, whenever it thinks fit, and shall, upon a requisition in writing made by proprietors entitled to twenty-five per cent of the total unit entitlement of the strata lots, convene an extraordinary general meeting.

*Notice of meetings*

8. Seven days notice of every general meeting specifying the place, the date and the hour of the meeting and, in case of special business, the general nature of such business, shall be given to all proprietors and registered first chargees who have notified their interests to the corporation, but accidental omission to give such notice to any proprietor or to any registered first chargee or non-receipt of such notice by any proprietor shall not invalidate any proceedings at any such meeting.

*Transaction of business*

9. All business shall be deemed special that is transacted at an annual or extraordinary general meeting, with the exception of the consideration of accounts.

*No business transacted without quorum*

10. Save as is in these bye-laws otherwise provided, no business shall be transacted at any general meeting unless a quorum of persons entitled to vote is present at the time when the meeting proceeds to business. One half of the persons entitled to vote present in person or by proxy shall constitute a quorum.

*Adjournment for lack of quorum*

11. If within thirty minutes from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same time and place, and if, at the adjourned meeting, a quorum is not present within thirty minutes from the time appointed for the meeting, the persons entitled to vote present shall be a quorum.

*Election of chairman*

12. At the commencement of a general meeting, a chairman of the meeting shall be elected.

*Executive committee*

13. There shall be an executive committee of every corporation which shall, subject to any restriction imposed or direction given at a general meeting, exercise the powers and perform the duties of the corporation.

*Composition of executive committee*

14. The executive committee shall consist of not less than three nor more than nine proprietors and shall be elected at the first general meeting of the corporation and thereafter at each annual general meeting:

Provided that where there are not more than three proprietors the executive committee shall consist of all the proprietors.

*Removal of executive committee member*

15. Except where the executive committee consists of all the proprietors, the corporation may, by resolution at an extraordinary general meeting, remove any member of the executive committee before the expiration of his term of office and appoint another proprietor in his place to hold office until the next annual general meeting.

*Vacancies on executive committee*

16. Any casual vacancy on the executive committee may be filled by the remaining members thereof.

*Quorum of executive committee*

17. The quorum of the executive committee shall be such number as the committee may fix from time to time, being not less than one-half the number of members thereof.

*Election of executive committee chairman*

18. At the commencement of each meeting the executive committee shall elect a chairman for the meeting, and if any chairman so elected vacates the chair during the meeting the executive committee shall elect in his stead another chairman.

*Voting at executive committee*

19. At meetings of the executive committee all matters shall be determined by simple majority vote and the chairman shall, in addition to an original vote, have a casting vote in any case in which voting is equal.



*Procedure at executive committee*

20. Subject to these bye-laws, the executive committee shall have power to regulate its own procedure.

*Agents and delegation*

21. The executive committee may —
- (a) employ for and on behalf of the corporation such agents and servants as it thinks fit in connection with the control, management and administration of the common property and the exercise and performance of the powers and duties of the corporation; and
  - (b) subject to any restriction imposed or direction given at a general meeting, delegate to one or more of its members such of its powers and duties as it thinks fit, and may, at any time, revoke such delegation.

*Records and accounts of executive committee*

22. The executive committee shall —
- (a) keep minutes of its meetings;
  - (b) cause proper books of account to be kept in respect of all moneys received and spent by it;
  - (c) prepare proper accounts relating to all moneys of the corporation, and the income and expenditure thereof, for each annual general meeting; and
  - (d) on the application of a proprietor or a chargee, or any person authorised in writing by either of them, make the books of account available for inspection at all reasonable times.

*Validity of proceedings of executive committee*

23. The validity of the proceedings of the executive committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

*Voting at general meeting*

24. At any general meeting a resolution by the vote of the meeting shall be decided on a show of hands unless a poll is demanded by any proprietor present in person or by proxy. Unless a poll is so demanded a declaration by the chairman that a resolution has, on a show of hands, been carried shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against such resolution. A demand for a poll may be withdrawn.

*Taking of a poll*

25. A poll, if demanded, 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 such poll was demanded.

*Casting vote*

26. In the case of equality in the votes, whether on a show of hands or on a poll, the chairman of the meeting shall be entitled to a casting vote in addition to his original vote.

*Allocation of votes*

27. On a show of hands each proprietor shall have one vote. On a poll the votes of proprietors shall correspond with the unit entitlement of their respective strata lots.

*Votes by proxy*

28. On a show of hands or on a poll, votes may be given either personally or by proxy.

*Proxy instruments*

29. An instrument appointing a proxy shall be in writing under the hand of the appointer or his attorney, and may be either general or for a particular meeting. A proxy need not be a proprietor.

*Entitlement to vote*

30. Except in cases where by or under this Law a super-majority resolution is required, no proprietor shall be entitled to vote at any general meeting unless all contributions payable in respect of his strata lot have been duly paid.

*Co-proprietors voting*

31. Co-proprietors may vote by proxy jointly appointed by them, and in the absence of such proxy shall not be entitled to vote on a show of hands, except when the super-majority resolution of proprietors is required by this Law; but any one co-proprietor may demand a poll, On any such poll a proprietor shall be entitled to such part of the vote applicable to a strata lot as is proportionate to his interest in the strata lot. The joint proxy, if any, on a poll shall have a vote proportionate to the interests in the strata lot of such of the joint proprietors as do not vote personally or by individual proxy.



*Successive interests of proprietors*

32. Where proprietors are entitled to successive interests in a strata lot, the proprietor entitled to the first interest shall alone be entitled to vote, whether on a show of hands or a poll; and this bye-law shall be applicable whether by this Law the super-majority resolution of proprietors is required or not.

*Trustees*

33. Where a proprietor holds his strata lot as a trustee he shall exercise the voting rights in respect of the strata lot to the exclusion of persons beneficially interested in the trust, and such person shall not vote.

*Common seal*

34. Every corporation shall, at the first general meeting held after registration of the strata plan, and may, from time to time, at subsequent general meetings, determine how the common seal of the corporation shall be used.

## SCHEDULE 2

### Bye-laws amendable by the Corporation

#### section 21

##### *Prohibited use of strata lot*

1. A proprietor shall not —
  - (a) use his strata lot for any purpose which may be illegal or injurious to the reputation of the building;
  - (b) make undue noise in or about any strata lot or common property; or
  - (c) keep any animals on his strata lot or common property after receiving notice from the executive committee requiring him to refrain from so doing.

##### *Restrictions on use of strata lot*

2. When the purpose for which a strata lot is intended to be used is shown expressly or by necessary implication on or by the registered strata plan the proprietor of such strata lot shall not use it or permit it to be used for any other purpose.

**Publication in consolidated and revised form authorised by the Governor in Cabinet  
this 17th day of September, 2013.**

**Carmena Watler**  
*Acting Clerk of Cabinet*

