

A BILL

i n t i t u l e d

An Act to amend the Strata Titles Act 1985.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Strata Titles (Amendment) Act 2012.

(2) Except as provided under subsection (4), this Act comes into operation in each State on such date as may be appointed by the Minister, with the approval of the National Land Council in relation to that State, by notification in the *Gazette*, and the Minister may, with the approval of the National Land Council, appoint different dates for the coming into operation of different provisions of this Act.

(3) This Act comes into operation in the Federal Territory of Kuala Lumpur, the Federal Territory of Putrajaya and the Federal Territory of Labuan on a date to be appointed by the Minister by notification in the *Gazette*, and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

Amendment of the preamble

2. The Strata Titles Act 1985 [*Act 318*], which is referred to as the “principal Act” in this Act, is amended in the preamble by substituting for the words “and the Federal Territory of Putrajaya” the words “, the Federal Territory of Putrajaya and the Federal Territory of Labuan”.

Amendment of section 2

3. Section 2 of the principal Act is amended by substituting for the words “and the Federal Territory of Putrajaya” the words “, the Federal Territory of Putrajaya and the Federal Territory of Labuan”.

Amendment of section 4

4. Section 4 of the principal Act is amended—

- (a) by deleting the definition of “aggregate share units”;
- (b) by deleting the definition of “Board”;
- (c) by deleting the definition of “by-laws”;
- (d) by inserting after the definition of “building” the following definition:
 - ‘ “certificate of proposed strata plan” means the certificate certifying the proposed strata plan prepared under section 8A or 20A, as the case may be;’;
- (e) in the definition of “certified strata plan”, by substituting for the words “subsection 13(1)” the words “section 13 or 22, as the case may be”;
- (f) in the definition of “Commissioner”, by substituting for the words “section 3 of the Building and Common Property (Maintenance and Management) Act 2007 [*Act 663*]” the words “section 4 of the Strata Management Act 201_ [*Act*]”;
- (g) in the definition of “common property”, by substituting for the words “an approved” the words “a certified”;

- (h) by deleting the definition of “council”;
- (i) by deleting the definition of “initial period”;
- (j) by substituting for the definition of “land parcel” the following definition:
 - ‘ “land parcel” means a unit delineated within the lot in which is comprised a building of not more than four storeys which is held under a strata title; which may have shared basement, comprises accessory parcels and common property;’;
- (k) in the definition of “location plan”, by substituting for the words “10(2)” the words “8A(3) or 20A(3), as the case may be”;
- (l) in the definition of “low-cost building”, by substituting for the word “10B” the word “9B”;
- (m) by deleting the definition of “managing agent”;
- (n) in the definition of “management corporation”—
 - (i) by substituting for the words “an approved strata plan” the words “a certified strata plan”; and
 - (ii) by substituting for the word “39” the word “17”;
- (o) by deleting the definition of “management fund”;
- (p) in the definition of “provisional block”—
 - (i) in paragraph (a), by substituting for the words “a proposed strata plan,” the words “a subdivided building,”;
 - (ii) by inserting after paragraph (a) the following paragraph:
 - “(aa) in relation to a subdivided land, a block in respect of the proposed land parcels, for which a separate provisional strata title is applied for”; and
 - (iii) in paragraph (b), by substituting for the words “an approved strata plan” the words “a certified strata plan”;

- (q) in the definition of “provisional share units”, by substituting for the words “an approved strata plan” the words “the strata register”;
- (r) in the definition of “purchaser”, by deleting the word “licensed”;
- (s) by inserting after the definition of “Registrar” the following definition:
 - ‘ “schedule of parcels” means the schedule of parcels or amended schedule of parcels prepared under the Strata Management Act 201_;
- (t) in the definition of “share units”, by substituting for the words “schedule of share units” the words “strata register”;
- (u) by deleting the definition of “special account”;
- (v) in the definition of “special building”, by inserting after the words “June 1996” the words “or any building occupied from June 1996 up to 11 April 2007, as classified by the State Authority as such”;
- (w) by deleting the definition of “special resolution”;
- (x) in the definition of “storey plan”, by substituting for the word “10(3)” the words “8A(4) or 20A(4), as the case may be”;
- (y) by substituting for the definition of “strata plan” the following definition:
 - ‘ “strata plan”—
 - (a) in relation to a subdivided building, means a location plan and a storey plan, and includes a plan of division or amalgamation of any parcels shown in a certified strata plan; and
 - (b) in relation to a subdivided land, means a location plan and a delineation plan, and includes a plan of division or amalgamation of any parcels shown in a certified strata plan, and in the case of land parcel with shared basement, includes a storey plan;’

(z) in the definition of “strata roll”, by substituting for the words “paragraph 43(1)(i)” the words “the Strata Management Act 201_”;

(aa) in the definition of “subdivided building”—

(i) by inserting after the words “subdivided building” the words “or land”;

(ii) by inserting after the words “a building” the words “or land”; and

(iii) by inserting after the words “Part II” the words “or Part IV, as the case may be”; and

(bb) by inserting after the definition of “subdivided building” the following definition:

‘ “subsidiary management corporation” in relation to limited common property means the subsidiary management corporation created under section 17A;

“super structure stage” means the stage upon the completion of building works as duly certified in accordance with the relevant by-laws made under the Street, Drainage and Building Act 1974 [*Act 133*];’.

New section 4B

5. The principal Act is amended by inserting after section 4A the following section:

“Coming into operation of the Electronic Land Administration System of Strata Titles in any Land Registry

4B. (1) The Electronic Land Administration System of Strata Titles shall come into operation in any Land Registry upon notification in the *Gazette* pursuant to subsection 5D(1) of the National Land Code.

(2) For the purpose of subsection (1)—

(a) “Disaster Recovery Centre” means a centre of backup and recovery system set up by the State Authority for the continuity of business operation of the Electronic Land Administration System;

(b) “Land Registry” includes—

- (i) in the case of strata titles held or to be held dependent on Registry titles, the office of the Registrar of Titles for the State;
- (ii) in the case of strata titles held or to be held dependent on Land Office titles, the office of the Land Administrator for the District; and
- (iii) in times of disaster as specified by the State Authority, the Disaster Recovery Centre.

(3) Upon the coming into operation of the Electronic Land Administration System for Strata Titles in any Land Registry—

(a) the provision of the Sixth Schedule shall apply in so far as they relate to the forms of document of strata title, the procedure for the preparation and registration of any document of strata title, any dealing and any entry or endorsement of any note, memorial or memorandum or any correction or cancellation thereof on any document of strata title;

(b) other provisions of this Act which relate to the Electronic Land Administration System shall be read with modifications, amendments, additions, deletions, substitutions or adaptations as provided in the Sixth Schedule; and

(c) the provision of the Fifth Schedule shall cease to be operative.

(4) The Minister may, with the approval of the National Land Council, by order published in the *Gazette*, amend the Sixth Schedule.”.

Substitution of section 7

6. The principal Act is amended by substituting for section 7 the following section:

“Original proprietor may apply for subdivision of a building or land

7. The original proprietor of any alienated land on which there is any building or land 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.”.

Substitution of section 8

7. The principal Act is amended by substituting for section 8 the following section:

“Circumstances in which it is compulsory to apply for subdivision of a building or land

8. (1) The original proprietor of any alienated land on which there is a building capable of being issued with strata titles shall, within the period specified in subsections (2) and (3), apply in accordance with subsections 8A(1) and 9(1) for the subdivision of the building or land if at any time he has sold or agreed to sell any parcel in such building or land to any person.

(2) The period within which the requirements of subsection 8A(1) shall be complied with is as follows:

(a) in the case where the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements takes place and the document that certifies the super structure stage is issued after the commencement of this Act, the period is three months from the date of issuance of the document that certifies the super structure stage;

(b) in the case where the building is completed after the commencement of this Act and the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements took place before

the commencement of this Act, the period is three months from the date of issuance of the certificate of completion and compliance;

- (c) in the case where the building is completed and the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements takes place after the commencement of this Act, the period is three months from the date of the issuance of the certificate of completion and compliance or the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements took place whichever is the later;
- (d) in the case where the building was completed and the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements took place before the commencement of this Act, the period is three months from the date of the commencement of this Act;
- (e) in the case where the building was completed before the commencement of this Act and the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements takes place after the commencement of this Act, the period is three months from the date of the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreements took place.

(3) The original proprietor of any alienated land on which the building or land had been issued with the certificate of proposed strata plan under subsection 8A(8), shall apply for subdivision in accordance with subsection 9(1) within a period of one month from the date of issuance of the certificate of proposed strata plan.

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

(5) The period specified in subsection (3) may, on an application made before its expiry, be extended once by the Director for any further period not exceeding one month.

(6) The application for the approval of the Director shall be treated as not being in accordance with subsection 8A(1) if the application is defective by reason of any material non-compliance with any of the requirements of subsection 9(1) pertaining to the application.

(7) Where an application is not made within the period specified in subsections (2) and (3), and, within the period of such extension granted in respect of a building or land under subsection (4) or (5), the original proprietor shall be guilty of an offence.

(8) The original proprietor who is guilty of an offence under subsection (7) shall, on conviction, be liable to a fine of not less than ten thousand ringgit but not more than one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both and, in the case of a continuing offence, to a further fine of not less than one hundred ringgit but not more than one thousand ringgit for every day during which the offence continues to be committed.”.

New section 8A

8. The principal Act is amended by inserting after section 8 the following section:

“Application for certificate of proposed strata plan

8A. (1) For the purpose of subsection 9(1), the original proprietor of any alienated land on which the building or land is capable of being issued with strata titles shall apply for a certificate of proposed strata plan to the Director of Survey by submitting Form 10 together with the following:

- (a) fees for the survey carried out or caused to be carried out under subsection 8A(8);
- (b) except in a case falling under paragraph (c), the original copy of the building plans approved by the local planning authority;

- (c) if the original copy of the building plans approved by the local planning authority are not available, the application under this subsection shall be accompanied by—
- (i) plans of the building, certified by a Professional Architect or by a land surveyor as having been drawn according to the actual features of the building and as truly representing those features; and
 - (ii) a certification by a duly authorized officer of the appropriate local planning authority that the building as represented by the plans mentioned in subparagraph (i), 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;
- (d) a proposed strata plan comprising a location plan, storey plan and delineation plan, containing such details as are specified in subsections (2), (3), (4), (5), (6) and (7) respectively, and certified by a land surveyor as follows:
- (i) that he has made a comparison of the plans to the approved building plans prepared by a Professional Architect registered under the Architects Act 1967 [*Act 117*] or a Professional Engineer registered under the Registration of Engineers Act 1967 [*Act 138*] responsible for its construction, or in a case falling under paragraph (c), to the building plans which have been drawn and certified by the Professional Architect or by the land surveyor;
 - (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;

- (iii) that the building or buildings are situated wholly within the boundaries of the lot in question, but discounting any eave, awning, and any balcony not forming part of a proposed parcel, which projects over a road reserve to which there subsists a permit or permits issued under section 75A of the National Land Code in respect of every such eave, awning and balcony;
- (iv) that each of the proposed parcels has—
 - (A) an adequate means of access not passing through another parcel; and
 - (B) an adequate means of internal communication not passing through the common property;
- (v) that it has been certified by a land surveyor that the position of each provisional block as delineated on the location plan is wholly within the boundaries of the lot in question;
- (e) in the case of any building or land parcels for the erection of which planning permission was required, a certification by the Professional Architect or by the Professional Engineer referred to in subparagraph (1)(d)(i) that the building was constructed in accordance with the plans and specifications by reference to which that permission was given; and the plans and specifications of the buildings state the date on which such permission was given and the reference number, if any;
- (f) a certified copy of the final title of the lot;
- (g) a certified copy of the document that certifies the super structure stage for the case under paragraph 8(2)(a);
- (h) a certified copy of the certificate of completion and compliance or certificate of fitness for occupancy, as the case may be, except in the case under paragraph 8(2)(a); and

- (i) a certified copy of the schedule of parcel or amended schedule of parcels, as the case may be, filed with the Commissioner under the Strata Management Act 2012 except in the case under paragraphs 8(2)(b) and (d).

(2) For the purpose of subdivision under subsection 6(1A), the proposed strata plan shall comprise a location plan and a delineation plan, and in the case of subdivision of land with shared basement, includes a storey plan showing the proposed accessory parcels and common property.

(3) Every location plan shall—

- (a) specify the lot number, 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 and in the case of an application for subdivision of land into land parcels, delineate the boundaries and boundary marks of the lot and the parcels showing the position of all the buildings thereon;
- (c) in the case for subdivision of building, and subdivision of land into land parcels with shared basement, include a vertical section of each such building or shared basement, as the case may be, showing—
 - (i) the floor and ceiling of each storey; and
 - (ii) the height of each storey; and
- (d) contain such other details as may be determined by the Director of Survey.

(4) Every storey plan shall—

- (a) specify the lot number 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 the provisions of paragraphs (7) (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 the proposed strata plan;
 - (d) specify the 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 a common property; and
 - (f) contain such other details as may be determined by the Director of Survey.
- (5) Every delineation plan shall—
- (a) specify the lot number and the title number of the land comprised therein, and the land parcel to which the plan relates;
 - (b) delineate each proposed land parcel by reference to the lot boundary showing the bearing and distance of each boundary;
 - (c) indicate in respect of each such land parcel the number by which it is described in the proposed strata plan;
 - (d) specify the area of each land parcel;
 - (e) distinguish such parts as are not to be included in any of the land parcels but are to become part of the common property; and
 - (f) contain such other details as may be determined by the Director of Survey.
- (6) Every proposed strata plan shall—
- (a) show a legend of—
 - (i) all parcels;
 - (ii) all common property; and
 - (iii) all accessory parcels, and specify therein the parcels they are made appurtenant to, irrespective of whether the accessory parcels are contiguous to those specified parcels; and

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

(7) Where an accessory parcel—

(a) consists of a building or parts thereof and is bounded by external walls, floors and ceilings, the dimensions and boundaries of such accessory parcel shall be shown in the proposed strata plan in accordance with the requirements of subsections (3), (4) and (5);

(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).

(8) The Director of Survey shall thereupon check the location plan, storey plan and delineation plan, whichever is applicable, carry out or cause to be carried out such survey of the land, any of the buildings thereon or any of the parcels, and shall—

(a) issue a certificate of proposed strata plan to the applicant if he is satisfied that the plans are in order;

(b) issue a copy of such certificate to the Land Administrator for the purpose of section 8; 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.

(9) Where an application under subsection (1) involves a provisional block or blocks by virtue of section 9A, the following requirements relating to the provisional block or blocks shall, in addition to the requirements of section 9 relating to the particular building or buildings or land to be subdivided, be observed in making the application:

- (a) the application shall be accompanied by the original copy of the building plans approved by the planning authority for the building or buildings to be, or in the course of being, erected;
- (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 dimension of the building or shared basement for land parcel, if any;
- (c) the application shall be accompanied, as forming part of the proposed strata plan, by a storey plan 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 or shared basement for land parcel, if any, to which the provisional block relates, without it being necessary to show any bearings; and
- (d) the proposed strata plan shall, in respect of a provisional block or blocks in respect of land—
 - (i) delineate the proposed block by reference to the lot boundary showing the bearing and distance of each boundary;
 - (ii) specify the area for provisional block or blocks; and
 - (iii) contain such other details as may be determined by the Director of Survey.”.

Substitution of section 9

9. The principal Act is amended by substituting for section 9 the following section:

“Application for subdivision of building, etc.

9. (1) An application for the approval of the Director for the subdivision of building, building and land, under subsection 6(1) and subdivision of land under subsection 6(1A) shall be made in Form 1 to the Land Administrator and shall be accompanied by—

- (a) such fees as may be prescribed;
- (b) such fees as so notified by the Director of Survey under paragraph 8A(8)(c);
- (c) a certificate of the proposed strata plan;
- (d) the classification certificate of a low-cost building issued under subsection 9B(3), if any;
- (e) 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 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;
- (f) the proposed name of the management corporation, and the address for the service of documents thereon, required to be supplied pursuant to subsection 15(3);
- (g) the issue document of title of the lot;
- (h) a certified copy of the certificate of completion and compliance or certificate of fitness for occupancy, as the case may be, except in the case under paragraph 8(2)(a); and
- (i) a certified copy of the schedule of parcels or amended schedule of parcels, as the case may be, except in the case under paragraphs 8(2)(b) and (d).

(2) No application under subsection (1) shall be made unless—

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

(3) Upon receipt of an 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.

(4) 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.”.

New sections 9A and 9B

10. The principal Act is amended by inserting after section 9 the following sections:

“Application for subdivision in the case of phased developments

9A. An application under subsection 9(1), except where it relates to a low-cost building, shall include an application for the issue of provisional strata title for a provisional block in respect of a building or land, being a building or land capable according to subsection 6(1) or (1A) of being subdivided, proposed to be, or in the course of being, erected on the lot in question.

Application for subdivision in the case of low-cost buildings

9B. (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 prescribe the classification for any type of building to be a low-cost building.

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

(4) Upon receipt of the certificate issued by the State Authority, the proprietor of the alienated land shall apply for the subdivision of the building under subsection 9(1).

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

Substitution of section 10

11. The principal Act is amended by substituting for section 10 the following section:

“Conditions for approval

10. (1) The Director shall not approve the subdivision of any building or land into parcels unless the following conditions are satisfied:

- (a) that the Director of Survey has issued the certificate of proposed strata plan;
- (b) that the subdivision would not contravene any condition or restriction in interest to which the land comprised in that lot is for the time being subject;
- (c) 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;
- (d) that no item of land revenue is outstanding in respect of the land;

- (e) 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 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;
- (f) 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;
- (g) that the land on which the building or buildings stand is not subject to any charge or lien;
- (h) that the proposed share units assigned to the parcels and provisional block and provisional land parcel by the proprietor of the lot in his application in Form 1 are equitable; and
- (i) that the land is held under final title.

(2) In a case of an application involving a provisional block or blocks by virtue of section 9A, the Director shall not approve the subdivision of any building to which the application relates unless the following additional conditions are 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 are equitable; and
- (c) that the proprietor—
 - (i) 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;
 - (ii) has paid to the Director in respect of each provisional block a deposit of such reasonable amount as the Director may require; and

- (iii) 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 certificate of completion and compliance has not been issued.”.

Deletion of section 10A

12. The principal Act is amended by deleting section 10A.

Deletion of section 10B

13. The principal Act is amended by deleting section 10B.

Amendment of section 11

14. Section 11 of the principal Act is amended—

- (a) by renumbering the existing section as subsection (1) of that section;
- (b) in subsection (1), by substituting for the words “subsection 10(1) not be” the words “subsection 9(1) shall not be”; and
- (c) by inserting after subsection (1) the following subsection:

“(2) Where the application under subsection 9(1) is withdrawn, the Director shall notify the Registrar or Land Administrator who shall cancel or cause to be cancelled the note thereof endorsed on the register document of title pursuant to subsection 9(3).”.

Amendment of section 12

15. Section 12 of the principal Act is amended—

(a) in subsection (1), by substituting for the words “section 10” the words “section 9”;

(b) in paragraph (1)(a), by substituting for the words “section 9” the words “section 10”; and

(c) by substituting for subsection (2) the following subsection:

“(2) Where he has approved any application for subdivision of building or land, the Director shall request the Director of Survey to prepare or cause to be prepared a certified strata plan.”;

(d) by substituting for subsection (3) the following subsection:

“(3) Where he has rejected any such application, the Director shall—

(a) 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 9(3); and

(b) refund all fees for the preparation and registration of strata titles.”.

Amendment of section 13

16. Section 13 of the principal Act is amended—

(a) by substituting for subsection (1) the following subsection:

“(1) Upon receipt of the request by the Director and upon being informed that the fees referred to in paragraph 8A(8)(c) have been duly paid, the Director of Survey shall—”.

(b) in paragraph (1)(a), by substituting for the words “location plan, storey plans and delineation plans” the words “proposed strata plan”;

- (c) in subsection (2)—
 - (i) in paragraph (a), by inserting after the word “thereon;” the word “and”;
 - (ii) in paragraph (b), by substituting for the words “; and” a full stop; and
 - (iii) by deleting paragraph (c);
- (d) in subsection (3), by deleting the word “common”; and
- (e) in subsection (5), by substituting for the words “of the block” the words “and dimension of the building or shared basement for land parcel, if any.”.

Deletion of section 14A

- 17.** The principal Act is amended by deleting section 14A.

Amendment of section 15

- 18.** Section 15 of the principal Act is amended—

- (a) in subsection (2)—
 - (i) in subparagraph (b)(i), by substituting for the words “express conditions and restrictions-in-interest” the words “express conditions, restrictions-in-interest, memorials, endorsements and other entries”; and
 - (ii) by substituting for paragraph (d) the following paragraph:
 - “(d) a register document of title in Form 4 in respect of a parcel and in Form 4A in respect of a provisional block.”; and
- (b) in subsection (6), by substituting for the words “the caveats shall remain in the” the words “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”.

Amendment of section 16

19. Section 16 of the principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (a), by inserting after the words “a parcel” the words “in Form 4”; and

(ii) in paragraph (b), by inserting after the words “a provisional block” the words “in Form 4A”; and

(b) in subsection (2), by substituting for paragraph (b) the following paragraph:

“(b) an issue document of title, consisting of a copy of the register document to which shall be attached the copy of the certified strata plan or of the relevant folio of that plan prepared under paragraph 13(1)(d):”.

Substitution of section 17

20. The principal Act is amended by substituting for section 17 the following section:

“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 document of title and the issue document 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 coming into existence by virtue of subsection (3), and shall return the issue document of title to that corporation.

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

(3) Upon the opening of a book of the strata register in respect of a subdivided building or land 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 and the Registrar shall issue a certificate certifying the establishment of the management corporation as a body corporate constituted under this Act on the day specified in the certificate.

(4) The management corporation existed by virtue of subsection (3) shall be known by the name appearing in the book of the strata register relating to a subdivided building or land, and shall be a body corporate, having perpetual succession and a common seal and which may sue and be sued.

(5) In the case where a certificate certifying the establishment of the management corporation was not issued during the opening of a strata book, the management corporation may apply to the Registrar for a certificate certifying that the management corporation has been established in Form 9.”.

New section 17A

21. The principal Act is amended by inserting after section 17 the following section:

“Limited common property and subsidiary management corporations allowed

17A. (1) The management corporation may designate limited common property and create one or more subsidiary management corporations only for the purpose of representing the different interests of parcel proprietors by way of comprehensive resolution conducted under the Strata Management Act 201_.

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

- (a) describe, identify or define the boundaries or area of the limited common property in the special plan;

- (b) specifies each parcel comprised in that special plan whose proprietors are entitled to the exclusive benefit of the limited common property; and
- (c) conform with any other details as may be prescribed by the Director of Survey.

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

- (a) such fee as may be prescribed;
- (b) a copy of the comprehensive resolution together with a certificate signed by the Commissioner certifying the receipt of the same filed with him by the management corporation; and
- (c) a special plan prepared under subsection (2), and any approved amendments thereto.

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

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

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

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

New section 19A

22. The principal Act is amended by inserting after section 19 the following section:

“Transfer of ownership of strata titles

19A. (1) Any original proprietor or any person or body appointed by a court of competent jurisdiction shall execute the transfer of strata title to the purchaser within thirty days from the date of issue of strata title by the Land Administrator or any extended period approved by the Director upon the opening of the strata register.

(2) Any purchaser shall execute complete documents of strata title within thirty days or any extended period approved by the Director from the date of notice of transfer of strata title being served to the purchaser by the original proprietor or from the date of purchase of the parcel, whichever is the later.

(3) Any original proprietor or any person or body appointed by a court of competent jurisdiction or any purchaser who fails to comply with subsection (1) or (2) shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than one thousand ringgit but not more than ten thousand ringgit per parcel.”.

Amendment of heading of Part IV

23. Part IV of the principal Act is amended in the heading by substituting for the words “**PROVISIONAL BLOCK: ISSUE OF STRATA TITLES UPON COMPLETION OF BUILDING**” the words “**PROVISIONAL BLOCK: ISSUANCE OF STRATA TITLES**”.

Substitution of section 20

24. The principal Act is amended by substituting for section 20 the following section:

“Circumstances in which it is compulsory for a proprietor of provisional strata title to apply for strata title

20. (1) The proprietor of provisional strata title shall, within the period specified in subsections (2) and (3), apply in accordance with subsections 20A(1) and 20B(1) for the subdivision of the building or land capable of being issued with strata titles, if at any time he has sold or agreed to sell any parcel in such building or land to any person.

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

- (a) in the case where the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreement takes place and the document that certifies the super structure stage is issued after the commencement of this Act, the period is three months from the date of the issuance of the document that certifies the super structure stage;
- (b) in the case where the building is completed after the commencement of this Act and the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreement took place before the commencement of this Act, the period is three months from the date of the issuance of the certificate of completion and compliance;
- (c) in the case where the building was completed and the sale of, or agreement to sell, any parcel of the building or the first of such sales or agreement took place before the commencement of this Act, the period is three months from the date of the commencement of this Act;
- (d) in the case where the building was completed before the commencement of this Act and the sales of, or agreement to sell, any parcel of the building or the

first of such sales or agreement takes place after the commencement of this Act, the period is three months from the date the sales of, or agreement to sell, any parcel of the building or the first of such sales or agreement takes place.

(3) Where the proprietor of provisional strata title has not sold or agreed to sell any parcel in such building or land to any person and such building or land has been issued with certificate of completion and compliance or certificate of fitness for occupation, the proprietor of provisional strata title shall—

- (a) in the case where the certificate of completion and compliance or certificate of fitness for occupation is issued after the commencement of this Act, apply for the issuance of the certificate of proposed strata plan to the Director of Survey within three months from the issuance of the certificate of completion and compliance or certificate of fitness for occupation;
- (b) in the case where the certificate of completion and compliance or certificate of fitness for occupation was issued before the commencement of this Act, the proprietor of provisional strata title shall, within three months from the commencement of this Act, apply for the issuance of the certificate of proposed strata plan to the Director of Survey.

(4) The proprietor of provisional strata title of the building or land which had been issued with the certificate of proposed strata plan under subsection 20A(8), shall apply for the subdivision under subsection 20B(1) within the period of one month from the date of the issuance of the certificate of proposed strata plan.

(5) The period specified in subsections (2) and (3) may, on an application made before its expiry, be extended once by the Director of Survey for any further period not exceeding one month.

(6) The period specified in subsection (4) may, on an application made before its expiry, be extended once by the Director for any further period not exceeding one month.

(7) The application for the approval of the Director shall be treated as not being in accordance with subsection (1) if the application is defective by reason of any material non-compliance with any of the requirements of subsection 20B(1) pertaining to the application.

(8) Where an application is not made within the period specified in subsections (2), (3) and (4) or within the extended period granted under subsection (5) or (6) in respect of a building or land, the original proprietor shall be guilty of an offence.

(9) The proprietor of provisional strata title who commits any offence under subsection (7) or (8) shall, on conviction, be liable to a fine of not less than ten thousand ringgit but not more than one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both and, in the case of a continuing offence, to a further fine of not less than one hundred ringgit but not more than one thousand ringgit for every day during which the offence continues to be committed.”.

New sections 20A and 20B

25. The principal Act is amended by inserting after section 20 the following sections:

“Application for certificate of proposed strata plan

20A. (1) The proprietor of the provisional strata title shall, as soon as a building or land is capable of being issued with strata titles, make an application for the approval of the Director of Survey for the issuance of the certificate of proposed strata plan to the parcels within a period of three months from the issuance of the certificate and shall submit a proposed strata plan to the Director of Survey by submitting Form 10 together with the following:

- (a) fees of such survey carried out or caused to be carried out under subsection (8) as determined by the Director of Survey;

- (b) except in a case falling under paragraph (c), the original copy of the building plans approved by the local planning authority;
- (c) if the original copy of the building plans approved by the local planning authority are not available, the application under this subsection shall be accompanied by—
 - (i) plans of the building, certified by a Professional Architect or by a land surveyor as having been drawn according to the actual features of the building and as truly representing those features; and
 - (ii) a certification by a duly authorized officer of the appropriate local planning authority that the building as represented by the plans mentioned in subparagraph (i) 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;
- (d) a proposed strata plan comprising a location plan, storey plan and delineation plan, containing such details as are specified in subsections (2), (3), (4), (5), (6) and (7) respectively and certified by a land surveyor as follows:
 - (i) that he has made a comparison of the plans to the approved building plans prepared by a Professional Architect registered under the Architects Act 1967 [*Act 117*] or a Professional Engineer registered under the Registration of Engineers Act 1967 [*Act 138*] responsible for its construction, or, in a case falling under paragraph (c), to the building plans which have been drawn and certified by the Professional Architect or by the land surveyor;

- (ii) in the case of a storey plan, that the boundaries of the parcels shown thereon follow the features of permanent construction appearing in the building;
 - (iii) that the building or buildings are situated wholly within the boundaries of the lot in question, but discounting any eave, awning, and any balcony not forming part of a proposed parcel, which projects over a road reserve, to which there subsists a permit or permits issued under section 75A of the National Land Code in respect of every such eave, awning and balcony;
 - (iv) that each of the proposed parcels has—
 - (A) an adequate means of access not passing through another parcel; and
 - (B) an adequate means of internal communication not passing through the common property; and
 - (v) that it has been certified by a land surveyor that the position of each provisional block as delineated on the location plan is wholly within the boundaries of the lot in question;
- (e) in the case of any building or land parcels for the erection of which planning permission was required, a certification by the Professional Architect or by the Professional Engineer referred to in subparagraph (d)
- (i) that the building was constructed in accordance with the plans and specifications by reference to which that permission was given, and the plans and specifications stating the date on which such permission was given and the reference number, if any;
- (f) a certified copy of the provisional strata title;
- (g) a certified copy of the document that certifies the super structure stage, as the case may be;

- (h) a certified copy of the schedule of parcels and amended schedule of parcels, as the case may be; and
- (i) a certified copy of the certificate of completion and compliance or certificate of fitness for occupancy, as the case may be.

(2) For the purpose of subdivision under subsection 6(1A), the proposed strata plan shall comprise a location plan and a delineation plan, and in the case of subdivision of land with shared basement, includes a storey plan showing the proposed accessory parcels and common property.

(3) Every location plan shall—

- (a) specify the lot number, 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 and in the case of an application for subdivision of land into land parcels, delineate the boundaries and boundary marks of the lot and the parcels showing the position of all the buildings thereon;
- (c) in the case of subdivision of building, and subdivision of land into land parcels with shared basement, include a vertical section of each such building or the shared basement as the case may be showing—
 - (i) the floor and ceiling of each storey; and
 - (ii) the height of each storey; and
- (d) contain such other details as may be determined by the Director of Survey.

(4) Every storey plan shall—

- (a) specify the lot number 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 the provisions of paragraphs (7)(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 the proposed strata plan;
 - (d) specify the 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 the common property; and
 - (f) contain such other details as may be determined by the Director of Survey.
- (5) Every delineation plan shall—
 - (a) specify the lot number and the title number of the land comprised therein, and the land parcel to which the plan relates;
 - (b) delineate each proposed land parcel by reference to the lot boundary showing the bearing and distance of each boundary;
 - (c) indicate in respect of each such land parcel the number by which it is described in the proposed strata plan;
 - (d) specify the area of each land parcel;
 - (e) distinguish such parts as are not to be included in any of the land parcels but are to become part of the common property; and
 - (f) contain such other details as may be determined by the Director of Survey.
- (6) Every proposed strata plan shall—
 - (a) show a legend of—
 - (i) all parcels;
 - (ii) all common property; and

- (iii) all accessory parcels, and specify therein the parcels they are made appurtenant to, irrespective of whether the accessory parcels are contiguous to those specified parcels; and
 - (b) contain such other particulars as may be determined by the Director of Survey.
- (7) Where an accessory parcel—
 - (a) consists of a building or parts thereof and is bounded by external walls, floors and ceilings, the dimensions and boundaries of such accessory parcel shall be shown in the proposed strata plan in accordance with the requirements of subsections (3), (4) and (5);
 - (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).
- (8) The Director of Survey shall thereupon check the location plan, storey plans and delineation plans, whichever is applicable, carry out or cause to be carried out such survey of the land, any of the buildings thereon or any of the parcels, and shall—
 - (a) issue a certificate of the proposed strata plan to the applicant if he is satisfied that the plans are in order;
 - (b) issue a copy of that certificate to the Land Administrator for the purpose of section 20B; 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.

(9) For the purpose of subdivision under subsection 6(1A), the proposed strata plan shall comprise a location plan and a delineation plan, and in the case of a shared basement, includes a storey plan showing the proposed parcels and common property.

Application for subdivision of building, etc.

20B. (1) The proprietor of provisional strata title shall make an application for approval to the Director within one month from the issuance of the certificate of proposed strata plan using Form 5 to the Land Administrator and shall be accompanied by—

- (a) such fees as may be prescribed;
- (b) such fees as so notified by the Director of Survey under paragraph 20A(8)(c);
- (c) a certificate of the proposed strata plan;
- (d) the issue document of provisional strata title;
- (e) a certified copy of the certificate of completion and compliance or certificate of fitness for occupancy, as the case may be, except in the case under paragraph 20(2)(a); and
- (f) a certified copy of the schedule of parcels or amended schedule of parcels, as the case may be, except in the case under paragraphs 20(2)(b) and (d).

(2) Upon receipt of an 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 provisional strata title.

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

Substitution of section 21

26. The principal Act is amended by substituting for section 21 the following section:

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

21. (1) On receiving an application made under section 20B, the Director shall—

(a) approve the subdivision if it appears to him that the conditions specified in section 10 are satisfied; or

(b) in any other case, reject the application.

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

(a) request the Director of Survey to prepare or cause to be prepared a certified strata plan; 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 paragraph 20A(8)(c) and fees for the preparation and registration of strata titles as may be prescribed under any written law.

(3) Where he has rejected an application for subdivision of building or land, the Director shall—

(a) 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 provisional strata title under subsection 20B(2); and

(b) refund all fees for the preparation and registration of strata titles.”.

Amendment of section 22

27. Section 22 of the principal Act is amended in paragraph (a) by substituting for the word “20(2)(c)” the word “20A(1)(d)”.

Deletion of section 22A

28. The principal Act is amended by deleting section 22A.

Deletion of section 22B

29. The principal Act is amended by deleting section 22B.

Amendment of section 25

30. Subsection 25(3) of the principal Act is amended by inserting after the words “management corporation” the words “and the approval from the relevant authorities”.

Amendment of section 26

31. Subsection 26(3) of the principal Act is amended—

- (a) by substituting for the words “Part VII” the words “the Strata Management Act 201_”;
- (b) by inserting after the words “subdivided building” the words “or land”; and
- (c) by inserting after the words “when the building” the words “or land”.

Amendment of section 27

32. Paragraph 27(*da*) of the principal Act is amended by inserting after the words “management corporation”, the words “and the approval from the relevant authorities”.

Amendment of section 28

33. Paragraph 28(1)(*da*) of the principal Act is amended by inserting after the words “management corporation”, the words “and the approval from the relevant authorities”.

Amendment of section 31

34. Subsection 31(2) of the principal Act is amended by substituting for the words “subsection 28(2)” the words “paragraph 28(2)(a)”.

Amendment of section 36

35. Section 36 of the principal Act is amended—

- (a) in paragraph (a), by inserting after the words “of the proprietors;” the word “and”;
- (b) by deleting paragraph (b); and
- (c) in paragraph (c), by substituting for the words “pursuant to section 45, 63, or 66” the words “according to the Strata Management Act 201_”.

Substitution of section 37

36. The principal Act is amended by substituting for section 37 the following section:

“Restrictions on voting rights

37. Where a proprietor is for any reason unable to control his property, the powers of voting conferred on him by the Strata Management Act 201_ shall be exercisable by the person who is for the time being authorized by law to control that property.”.

Amendment of section 38

37. Section 38 of the principal Act is amended by substituting for the words “Second Schedule” the words “Strata Management Act 201_”.

Deletion of Part VII

38. The principal Act is amended by deleting Part VII.

Amendment of section 57

39. Subsection 57(4) of the principal Act is amended by substituting for paragraph (e) the following paragraph:

“(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 based on the open market capital values of the parcels immediately before the termination of the subdivision ascertained in a valuation report prepared and certified by a registered valuer under the Valuers, Appraisers and Estate Agents Act 1981 [Act 242].”.

Deletion of Part IXA

40. The principal Act is amended by deleting Part IXA.

Deletion of sections 76, 77 and 78

41. The principal Act is amended by deleting sections 76, 77 and 78.

Amendment of section 81

42. Section 81 of the principal Act is amended by substituting for subsection (1) the following subsection:

“(1) The State Authority may, by notification in the *Gazette*, make rules not inconsistent with 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;
- (b) the types of buildings, or the circumstances in which buildings are, to be classified as low-cost buildings;

- (c) the types of buildings, or the circumstances in which buildings are, to be classified as special buildings;
- (d) the formula for the proposed share units; 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.”.

Saving and transitional

43. (1) Except as otherwise expressly provided in this Act or in rules made under this Act, the provisions of this Act shall apply to strata titles registered before the commencement of this Act.

(2) All applications or other matters that were in the course of being approved, or had been approved but no strata titles had been issued thereon, immediately before the commencement of this Act shall, after the coming into operation of this Act, shall be continued or concluded as if the principal Act had not been amended by this Act.

(3) Except as otherwise expressly provided under this Act, where a period of time specified in the principal Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provisions of this Act had been in force when the period began to run.

(4) The period of time referred to in subsection (3) shall be deemed—

- (a) to run from the date or event from which it was running immediately before the commencement of this Act; and
- (b) to expire, subject to any provision in this Act for its extension, whenever it would have expired as if this Act had not been enacted,

and any rights, priorities, liabilities, reliefs, obligations, requirements, powers, duties or exemptions dependent on the beginning, duration or end of such period shall be under this Act as they were or would have been under the principal Act.

(5) Any order or proceedings that is pending or commenced under the repealed provisions, before the coming into operation of this Act, shall be continued and concluded under the repealed provisions as if the principal Act had not been amended by this Act.

(6) All proceedings or other matters pending before the appropriate Strata Titles Board under the principal Act, or matters in the course of being heard, or had been heard but no order or decision had been made thereon, immediately before the date of coming into operation of this Act shall, after the date of coming into operation of this Act, be continued as if the principal Act had not been amended by this Act.

(7) Any person who, immediately before the date of coming into operation of this Act, was a President, Deputy President or other member of the Board appointed under the principal Act shall, unless he resigns or otherwise vacates his office or his appointment is revoked, continue to hold that office on or after the date of coming into operation of this Act until the expiry of the period specified in his instrument of appointment.

Deletion of Second and Third Schedules

44. The principal Act is amended by deleting the Second and Third Schedules.

Amendment of Fifth Schedule

45. The Fifth Schedule to the principal Act is amended—

(a) in paragraph 1—

(i) by substituting for the words “For the purposes of this Schedule—” the words “In this Schedule, unless the context otherwise requires—”;

(ii) by inserting after the definition of “computer printed document of title” the following interpretation:

‘ “computer printed issue document of title” means an issue document of title prepared by use of a computer;’;

- (iii) by substituting for the full stop at the end of the definition of “Computerization System of Strata Titles” a semicolon and by inserting after that definition the following definitions:

‘ “the Act” means the Strata Titles Act 1985 [Act 318];

“the Code” means the National Land Code 1965 [Act 56/1965].’;

(b) in paragraph 4—

- (i) by substituting for subparagraph (2) the following subparagraph:

“(2) The Registrar shall, when delivering the computer printed issue document of title to the proprietor, also deliver to him a copy of the plan attached to Form S(K) duly authenticated under the hand and seal of the Director of Survey.”; and

- (ii) by inserting after subparagraph (2) the following subparagraph:

“(3) The Registrar shall keep in the Land Registry a copy of the certified strata plan to which the certified strata plan relates as approved by the Director of Survey under paragraph (13)(1)(c) of the Act. The copy of the certified strata plan shall be duly authenticated under the hand and seal of the Director of Survey.”;

(c) in paragraph 5—

- (i) in subparagraph (6), by inserting after the words “Form 2(K)”, the words “3(K),”; and

- (ii) by substituting for subparagraph (7) the following subparagraph:

“(7) In respect of an existing document of title prepared under the Code, the computer printed document of title shall be deemed to be a process for the preparation of title-in-continuation under this Schedule.”;

(d) by inserting after paragraph 6 the following paragraph:

“Mode of preparing a computerized strata register record

6A. (1) For the purpose of subsection 15(2) of the Act, the Registrar shall, by this Schedule, prepare and maintain a computerized strata register record relating to one lot and, every such book shall contain—

- (a) a computerized document of strata register index in Form 2(K);
- (b) subject to subparagraph (2), a computerized document of strata register statement in Form 3(K);
- (c) a copy of the certified strata plan approved by the Director of Survey pursuant to paragraph 13(1)(a) of the Act; and
- (d) every computer printed register document of title in Form 4(K) or in Form 4A(K), as the case may be.

(2) Notwithstanding paragraph 15(2)(b) of the Act, every computerized strata register record under this Schedule shall exclude a statement in Form 3(K) if all those memorials, endorsements and other entries appearing in that preceding Form 3 upon conversion under paragraph 5, is no longer affecting any of the parcels or provisional blocks or any strata title or provisional strata title which is subsidiary thereto.”; and

(e) by inserting after paragraph 14 the following paragraph:

“Reference to Fourteenth Schedule

15. This Schedule shall be read and construed together with the operation of the Fourteenth Schedule of the Code as if it were a part of it.”.

New Sixth Schedule

46. The principal Act is amended by inserting after the Fifth Schedule the following Schedule:

“SIXTH SCHEDULE

[Section 4B]

ELECTRONIC STRATA TITLES SYSTEM

Interpretation

1. In this Schedule, unless the context otherwise requires—

“computerized strata register” means any record of the strata register which consists of the computerized document of the strata register index, every computerized register document of strata title and copies of the digital certified strata plan corresponding to each parcel and, if any, provisional blocks registered under this Schedule;

“document of strata titles” means any computerized register document of title or computerized issue document of title stored virtually in the land database, and includes a print-out thereof;

“electronic strata titles system” means a system of the integrated Electronic Land Administration System which relates to the electronic processing of applications for strata titles, registration of strata titles, documents required to be prepared thereby and any entry in any document of title through the use of a computer;

“existing document of a computerized strata register record” means any computerized strata register record which consists of existing documents of strata register index, documents of strata register statements, copies of certified strata plans and every register document of strata title corresponding to each parcel and, if any, provisional blocks registered before or after the commencement of the Electronic Land Administration System;

“existing document of title” means any register document of title or issue document of title issued manually or by use of computer registered before or after the commencement of the Electronic Land Administration System;

“the Act” means the Strata Titles Act 1985 [Act 318];

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

Construction of the Schedule

2. This Schedule shall be read and construed with the Sixteenth Schedule of the Code as if it forms part thereof.

Mode of making an entry on a document of title under the electronic strata titles system

3. For the purposes of this Act, whenever an entry is required to be made on the computerized document of title, the Registrar shall—

- (a) make the entry; and
- (b) prepare a new computerized document of title and shall cancel and destroy the previous version of the computer printed document of title.

Form for computerized document of title

4. (1) For the purpose of section 16 of the Act, the Registrar shall prepare the documents of strata titles corresponding to the land held under Registry title or Land Office title respectively in which—

- (a) the computer register document of title shall be in Form 4e in respect of a parcel or in Form 4Ae in respect of a provisional block, of this Schedule; and
- (b) the computer printed issue document of title in the same form as specified in subparagraph 1(a).

Plan for computerized document of strata titles

5. The Registrar shall issue the plan attached to Form Se of the individual parcel or provisional block, including the plan of accessory parcel, if any, separately to the proprietor and shall duly authenticate under his digital signature.

Mode of preparing a record of computerized strata register

6. (1) For the purpose of subsection 15(2), the Registrar shall, by this Schedule, prepare and maintain a record of computerized strata register relating to one lot and, every such book shall contain—

- (a) computerized document of strata register index in Form 2e to the individual parcel and, if any, appurtenant accessory parcels and to the individual provisional block, if any, comprised in the lot;
- (b) a computerized document of strata register statement in Form 3e;

- (c) a copy of the certified strata plan as approved by the Director of Survey pursuant to paragraph 13(1)(a) of the Act; and
- (d) every computer register document of title in Form 4e or in Form 4Ae, as the case may be.

(2) Notwithstanding paragraph 15(2)(b), every book of computerized strata register under this Schedule shall exclude any statement in Form 3e as those statement contains all memorials, endorsements and other entries appearing in the register document of the title to the land, which relate to matters capable of affecting any of the parcels or any of the provisional blocks 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.

Conversion to documents of computerized strata register

7. (1) Upon the coming into operation of the electronic strata titles system in the Land Registry of the State, the Registrar shall convert the existing documents of a computerized strata register record to the documents of computerized strata register and shall authenticate the same under his digital signature.

(2) An existing register documents of title shall continue to be in operation and valid for all purposes of the Act until a computerized document of title is prepared under this Schedule and duly authenticated by the Registrar.

(3) After the conversion of an existing register document of title, the existing issue document of title in respect thereof shall continue to be in operation and valid for all purposes of this Act until the relevant computer printed issue document of title is prepared and issued to the proprietor.

(4) In respect of an existing document of title prepared under this Act, the computer printed document of title shall be prepared as in Form 2e, 3e, 4e or 4Ae, as the case may be.

(5) In respect of an existing document of title registered under the Code, the computerized document of title shall be deemed to be a process for the preparation of title-in-continuation under this Schedule.

(6) Upon the conversion of an existing document of title to a computer printed document of title under the preceding subparagraphs, the Registrar—

- (a) may produce the plan to be attached to Form Se and shall be duly authenticated under his digital signature;
- (b) shall make a note of cancellation on the existing register document of title to the effect that the title in question has been converted to the computerized document of title; and
- (c) shall destroy the existing document of title when submitted to him.

Mode of preparing document of title

8. (1) Every document of title to be prepared upon subdivision of building, or building and land, or subdivision of land into land parcel or title-in-continuation or replacement of a computerized printed register document of title shall, under this Schedule, be prepared by use of a computer.

(2) Every computerized strata register prepared under this Schedule shall be viewed via a computer for any verification purposes.

(3) Upon request by the Registrar or for any purposes of the Act or any other related laws, every computerized strata register prepared under this Schedule shall be printed out in the respective form accordingly as a copy of computerized register document of title or computerized issued document of title or computerized strata register.

Delivery to registered proprietor of a copy of the plan

9. Where a document of title is prepared upon subdivision of building, or building and land, or subdivision of land into land parcel, or title-in-continuation effected by subdivision of parcel, or amalgamation of parcels, or subdivision of a provisional block upon completion, or replacement of a computer printed register document of title, the Registrar shall deliver to the proprietor the computerized issue document of title together with a copy of the plan of the parcel or provisional block attached to Form Se, and shall be duly authenticated under his digital signature.

Conclusive evidence

10. For the purposes under section 15 to 19 of this Act, every document of a book of computerized strata register virtually stored in the land database shall be conclusive evidence of the particulars recorded therein.

Effect of opening the computerized strata register record under the electronic strata titles system

11. For the purpose of subsection 17(1) and upon authenticating the computerized document of title in respect of the parcel or the provisional block, the Registrar shall immediately enter on the computerized register document of title to the lot in question, a memorial to the effect that the book of computerized strata register has been opened, that the rent has been transmitted to each parcel or provisional block in accordance with share unit entitlements, and that the common property is vested in the management corporation. A memorial required to be stated therein shall be authenticated under the digital signature of the Registrar.

Presentation Record

12. (1) The Registrar shall maintain a record, to be called the “Presentation Record” in which shall be entered a short description of every matter presented or corrected for registration or entry, as the case may be.

(2) The Presentation Record shall consist of—

- (a) the presentation number given by the computer in respect of each matter presented;
- (b) the date and time of presentation;
- (c) a description of the matter;
- (d) in the case of dealing, the name of the person presenting the matter;
- (e) the title description of the parcel and land parcel affected by the presentation; and
- (f) a note whether the matter has been registered, endorsed, or entered, as the case may be, or rejected or withdrawn.

(3) The “Presentation Record” under this paragraph shall form part of the Presentation Record under paragraph 12 in the Sixteenth Schedule to the Code.

Correction Record

13. The Registrar shall maintain a record, to be called the “Correction Record” in which shall be entered a short description of every matter presented or corrected for registration or entry, as the case may be.

Contents of computerized document of title to be verified

14. (1) After the Registrar has determined that an instrument is fit for registration in accordance with the provisions of Part 18 of the Code or that any other matter shall be entered into the computerized document of title, he shall verify the contents of the verification document and if he finds the verification document to be in order, he shall authenticate the document under his digital signature.

(2) After the Registrar has registered any instrument of dealing or enter any other matter into a computer printed document of title, the verification document shall be virtually stored in land database upon his authentication.

Mode of registering instrument

15. For the purpose of paragraph 304(2)(a) of the Code, the memorial in the term set out in subsection 304(3) thereof shall be entered into the computer in respect of the register document of title to which the parcel relates.

New computerized printed issue document of title

16. Upon making the memorial in the manner provided in paragraph 14 where it relates to a dealing or upon determining that any other matter shall be entered into any document of title, the Registrar shall —

- (a) cause to be updated the register document of title kept in the land database; and
- (b) cause to be printed a new computerized issue document of title.

Conclusiveness of registration of title

17. (1) Every register document of title prepared under paragraph 15 and authenticated under the digital signature of the Registrar shall be conclusive evidence of the registration to which it refers and the effective time and date thereof.

(2) Notwithstanding the requirement of authentication under subparagraph (1), the requirement of seal under Registrar's authentication shall be considered to be dispensed with.

Termination of the relevant record of strata register

18. (1) For the purpose of section 57 of the Act, the Registrar shall—

- (a) enter a memorial of the notification of intended termination of subdivision in every computerized register document of title and other document of the relevant record of computerized strata register and shall authenticate the same under his digital signature;
- (b) enter a note in the computerized register document of title of such lot to the effect that the proprietorship and rent affecting the parcels and provisional blocks shall cease to be operative, and the management corporation shall become the proprietor of the said lot as trustee of the former proprietors of strata titles;
- (c) inform the Director of Survey of the entry of a memorial made under subparagraph (a); and
- (d) cancel the relevant record of computerized strata register subject to a direction under paragraph 57(4)(d).

(2) Notwithstanding the termination of a subdivision under this paragraph, the relevant record of computerized strata register shall continue in existence in the land database 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.

STRATA TITLES ACT 1985

FORM 2e

[Sixth Schedule]

STRATA REGISTER INDEX

State :
 District :
 *Town/Village/Mukim :
 Title No. :
 Lot No. :
 Area :
 File Reference No. :
 Name of Management Corporation :
 Address of Management Corporation :
 Address for Service of Documents :
 Computer Strata Register Record No. :

SUMMARY OF CONTENTS

Building/Provisional Block/Land Parcel	Purpose	No. of Parcels	Share Units/ Provisional Share Units
Building/s M1 M2 <i>etc.etc.</i>
Provisional Block/s P1 P2 <i>etc.etc.</i>	— —
Land Parcel L1 L2 <i>etc.etc.</i>
Provisional Block (Land Parcel) PL1 PL2 <i>etc.etc.</i>	— —
Total

Total number of folios in certified strata plan

Title ID :
 Date :
 Version No. :
 Page :

DETAILED INDEX

<i>Page No. of Title of Parcel/ Provisional Block/Land Parcel</i>	<i>Building/ Provisional Block/Land Parcel</i>	<i>List of storeys in each building</i>	<i>List of parcels in each building/ area of each land parcel</i>	<i>Share units of each parcel/ provisional block/land parcel</i>	<i>Rent of each parcel/ provisional block/land parcel</i>	<i>Remarks</i>
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	<p>BUILDING/S: [Use M1, M2, etc to denote completed building]</p> <p>M1</p> <p>Storey</p> <p>No...</p> <p>(Plan Folio No.)</p> <p>M2</p> <p>Storey</p> <p>No...</p> <p>(Plan Folio No.)</p> <p>etc. etc.</p>	<p>Parcel</p> <p>Parcel</p> <p>Parcel</p> <p>Sub-total</p> <p>Parcel</p> <p>Parcel</p> <p>Parcel</p> <p>Sub-total</p> <p>.....</p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>Sub-total</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Sub-total</p> <p>.....</p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>Sub-total</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Sub-total</p> <p>.....</p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>Sub-total</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Sub-total</p> <p>.....</p>	
	<p>PROVISIONAL BLOCK/S: [Use P1,P2, etc to denote provisional blocks]</p>					

<i>Page No. of Title of Parcel/ Provisional Block/Land Parcel</i>	<i>Building/ Provisional Block/Land Parcel</i>	<i>List of storeys in each building</i>	<i>List of parcels in each building/ area of each land parcel</i>	<i>Share units of each parcel/ provisional block/land parcel</i>	<i>Rent of each parcel/ provisional block/land parcel</i>	<i>Remarks</i>
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	P1	(Plan Folio No. .....)	—	..... Sub-total	..... Sub-total	
	P2 etc.etc	(Plan Folio No. .....)	—	..... Sub-total	..... Sub-total	
	LAND PARCEL/S: [Use L1,L2, etc to denote land parcel]	(Plan Folio No.)	L1 L2 L3 .. .....	..... ..... Sub-total	..... ..... Sub-total	
	Provisional Block (Land Parcel)	— — —				

<i>Page No. of Title of Parcel/ Provisional Block/Land Parcel</i>	<i>Building/ Provisional Block/Land Parcel</i>	<i>List of storeys in each building</i>	<i>List of parcels in each building/ area of each land parcel</i>	<i>Share units of each parcel/ provisional block/land parcel</i>	<i>Rent of each parcel/ provisional block/land parcel</i>	<i>Remarks</i>
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	PL1 PL2 <i>etc. etc.</i>		PL1 PL2..... PL3 .....	..... ..... ..... Sub-total .....	..... ..... ..... Sub-total	
		Total:	.....	.....	.....

(Continuation sheets to be added as required)

Title ID :
Date :
Version No. :
Page :

LIST OF ACCESSORY PARCELS

+ Accessory Parcel	++ Location of Accessory Parcel	Parcel or Provisional Block to which Accessory Parcel is Appurtenant	Purpose

*Enter 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.

Title ID :
Date :
Version No. :
Page :

STRATA TITLES ACT 1985

FORM 3e

[Sixth Schedule]

STRATA REGISTER STATEMENT

State :
 District :
 *Town/Village/Mukim :
 Title No. :
 Lot No. :
 File Reference No. :
 Computer strata register record 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 title thereto, not being matters capable of affecting one only of the parcels, or one only of the provisional blocks.

Dated thisday of20.....

.....
Digital Signature of Registrar

SCHEDULE

*Express Condition:

*Restriction in Interest:

*Memorials, Endorsements or Other Entries:

**Enter as appropriate*

Title :
 Date :
 Version No. :
 Page :

* CRDT/CIDT

BAR CODE

STRATA TITLES ACT 1985

FORM 4e

[Sixth Schedule]

STRATA TITLE

TITLE NO.	BUILDING NO.	STOREY NO.	PARCEL NO.
-----------	--------------	------------	------------

Rent :
Grant in perpetuity/Lease for the term of....., terminating on.....
State :
District :
*Town/Village/Mukim :
Lot No. :
Accessory Parcel :
Share Units of Parcel :
Certified Strata Plan No. :
Computer Strata Register Record No. :

The above parcel *and accessory parcel/s on the land is/are held for the full term of the title 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 rules made thereunder and more particularly to the memorials, endorsements and other entries. Any dealing with this strata title is subject to the restrictions and conditions as in the land title, and in consideration of the due payment of the annual rent.

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 relation to the total share units of all subdivided buildings on the land.

Registered this day of20.....

.....
Digital Signature of Registrar

Title ID :
Date :
Version No. :
Page :

RECORD OF MANAGEMENT CORPORATION

*RECORD OF PROPRIETORSHIP

*MEMORIALS, ENDORSEMENTS AND OTHER ENTRIES

.....
Digital Signature of Registrar

Enter as appropriate

Title ID :
 Date :
 Version No. :
 Page :

* CRDT/CIDT

<i>BAR CODE</i>

STRATA TITLES ACT 1985

FORM 4*ae*

[Sixth Schedule]

PROVISIONAL STRATA TITLE
 DEALINGS PROHIBITED

TITLE NO.	PROVISIONAL BLOCK NO.
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Rent :
 *Grant in perpetuity/Lease for the term of....., terminating
 on.....
 State :
 District :
 *Town/Village/Mukim :
 Lot No. :
 Accessory Parcel :
 Provisional Share Units :
 Certified Strata Plan No. :
 Computer Strata Register Record No. :

The above provisional block is held for the full term of the title 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 rules made thereunder and more particularly to the memorials, endorsements and other entries.

By virtue of this title, the said proprietor also enjoys voting rights in the management corporation proportionate to the provisional share units to the provisional block and in consideration of the due payment of the annual rent as specified, 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.

Registered thisday of 20

.....
Digital Signature of Registrar

Title ID :
Date :
Version No.:
Page :

RECORD OF MANAGEMENT CORPORATION

*RECORD OF PROPRIETORSHIP

*MEMORIALS, ENDORSEMENTS AND OTHER ENTRIES

.....
Registrar Digital Signature

** Enter as appropriate*

Title ID :
Date :
Version No. :
Page :

*STRATA TITLES ACT 1985*FORM *Se*

[Sixth Schedule]

PLAN OF STRATA TITLE

I certify that the plan attached herein is a photo reduced true copy of the certified strata plan of the *parcel//provisional block on the land; and it is duly authenticated under digital signature of the Registrar.

*Parcel/Provisional Block No. :
 **Accessory Parcel No. :
 State :
 District :
 *Town / Village / Mukim :
 Title No. :
 Lot No. :
 Sheet No. :
 Certified Strata Plan No. :
 Computer Strata Register Record No. :

Dated thisday of.....20.....

.....
Digital Signature of Registrar

**Enter as appropriate*

***Enter if any*

The plan showing may not be to actual scale”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Strata Titles Act 1985 (“the principal Act”) which includes the insertion of a new Sixth Schedule to enable the implementation of the Electronic Land Administration System for Strata Titles in Peninsular Malaysia. The Bill also seeks to harmonize the provisions of the principal Act and its relationship with the provisions of the National Land Code 1965 as the principal Act is construed as part of the National Land Code. This Bill also seeks to carve out the provisions in the management of subdivided building which is purposed to be governed by the Strata Management Act 201_ [Act]. Consequently this Bill seeks to harmonize the provisions of the principal Act with the provisions of the Strata Management Act 201_.

2. *Clause 1* contains the short title and provision on the commencement of the proposed Act.
3. *Clause 2* seeks to amend the preamble of the principal Act to reflect the extension of the scope of the principal Act to the Federal Territory of Labuan.
4. *Clause 3* seeks to amend section 2 to extend the application of the principal Act to the Federal Territory of Labuan.
5. *Clause 4* seeks to amend section 4 of the principal Act to introduce new definitions as well as to amend existing definitions used in the principal Act.
6. *Clause 5* seeks to introduce a new section 4B to provide for the Electronic Land Administration System of Strata Titles and the application of a new Sixth Schedule upon the coming into operation of the system.
7. *Clause 6* seeks to substitute section 7 of the principal Act. This amendment states that the original proprietor of alienated land may apply for subdivision of a building or land.
8. *Clause 7* seeks to substitute section 8 of the principal Act to strengthen the circumstances in which the original proprietor is compelled to apply for subdivision of building or land. Previously, an application of subdivision is compulsory only upon sale or agreement to sell any parcel in a “completed building” that is capable of being subdivided. However, this amendment provides that an application for subdivision is compulsory even on building that is still in progress, where sale or agreement to sell any parcel in such building took place and document to certify the super structure stage has been issued. This amendment further provides the relevant time period for such application to be made.
9. *Clause 8* seeks to introduce a new section 8A to provide for the application for certificate of proposed strata plan. The certificate of proposed strata plan is required to be submitted in the application for subdivision of building *etc.* under section 9 of the principal Act.
10. *Clause 9* seeks to substitute section 9 of the principal Act to reduce the duration of time for obtaining approval for subdivision of building *etc.* The new amendment imposes self-management on the land proprietor to obtain the certificate of proposed strata plan from the Director of Survey prior to making application for subdivision of land. As a result, when the application for subdivision of building *etc.* is made by the land proprietor, the Land Administrator can transmit the application to the Director with his recommendations without having to postpone the process in order to get the necessary certification from the Land Surveyor.
11. *Clause 10* seeks to insert new sections 9A and 9B to streamline the process of application for subdivision of building *etc.* in respect of provisional blocks in the case of phased development, and in respect of subdivision of building *etc.* for low-cost buildings, respectively.

12. *Clause 11* seeks to substitute section 10 of the principal Act in consequence of the introduction of the new section 8A and the amendment to section 9 of the principal Act.
13. *Clause 12* seeks to delete section 10A of the principal Act pursuant to the insertion of the new section 9A.
14. *Clause 13* seeks to delete section 10B of the principal Act pursuant to the introduction of the new section 9B.
15. *Clause 14* seeks to make consequential amendments to section 11 of the principal Act and to further provide the procedure for withdrawal of application for subdivision of building *etc.*
16. *Clause 15* seeks to make consequential amendments to section 12 of the principal Act and to streamline the process of application for subdivision of building *etc.*
17. *Clause 16* seeks to make consequential amendments to section 13 of the principal Act and to streamline the process of application for subdivision of building *etc.*
18. *Clause 17* seeks to delete section 14A of the principal Act as fee collection is dealt with under section 9.
19. *Clause 18* seeks to make consequential amendments to section 15 of the principal Act to streamline the process of application for subdivision of building *etc.*
20. *Clause 19* seeks to make consequential amendments to section 16 of the principal Act to streamline the process of application for subdivision of building *etc.*
21. *Clause 20* seeks to amend section 17 of the principal Act in relation to the effect of the opening of the book of strata register in respect of a subdivided building or land, and to further provide for the establishment of a management corporation as a body corporate under the Act.
22. *Clause 21* seeks to insert a new section 17A, upon the designation of limited common property and the creation of subsidiary management corporation to enhance the management for strata scheme.
23. *Clause 22* seeks to insert a new section 19A, which was originally the provision of section 40A of the principal Act.
24. *Clause 24* seeks to substitute section 20 of the principal Act to stipulate the circumstances that obligate the proprietor of provisional strata title to apply for issuance of strata titles. This amendment further provides the relevant time period for such application to be made.

25. *Clause 25* seeks to introduce new sections 20A and 20B as a consequence of the amendments in section 20 and to streamline the process of application for subdivision of building or land in respect of provisional strata title. The period of time for such application to be considered is also reduced as a result of the introduction of the new process of application.
26. *Clause 26* seeks to substitute section 21 of the principal Act pertaining to the power of the Director of Lands and Mines to approve any application for subdivision of building *etc.* under section 20B.
27. *Clause 28* seeks to delete section 22A of the principal Act regarding the failure to apply for subdivision of building or land within stipulated time as this is dealt with under section 20.
28. *Clause 29* seeks to delete section 22B of the principal Act.
29. *Clause 30* seeks to amend section 25 of the principal Act to also impose requirement of consent from the relevant authorities for the purpose of subdivision or amalgamation of parcels.
30. *Clause 31* is a consequential amendment that also seeks to introduce the Strata Management Act 201_ being the applicable legislation that provides for the maintenance and management of a subdivided building or land and its common property.
31. *Clause 32* seeks to amend section 27 in respect of conditions to be satisfied for approval of division or amalgamation of parcels of building or land. With this amendment, in cases where division or amalgamation results in the creation of additional or new common property, written consent from the relevant authorities is also a pre-requisite.
32. *Clause 34* seeks to amend section 31 of the principal Act to specify the cross reference to paragraph 28(2)(a).
33. *Clause 35* seeks to amend section 36 of the principal Act to standardize the formula of share units.
34. *Clause 38* seeks to delete Part VII of principal Act as the aspect of maintenance and management of subdivided building or land and its common property is being dealt with under the Strata Management Act 201_.
35. *Clause 39* seeks to amend section 57 of the principal Act to provide clarity on profit distribution arising from the management corporation's proprietorship of the lot which was held in trust for the former proprietors, upon termination of a subdivided building.
36. *Clause 40* seeks to delete Part IXA of the principal Act in respect of Strata Titles Board as this is stipulated under the Strata Management Act 2012.

37. *Clause 42* seeks to amend section 81 of the principal Act by substituting subsection (1) to provide the State Authority with power to make rules regarding the classification of low-cost buildings and special buildings, the formula of the proposed share units, and any matter which by the principal Act is required or permitted to be prescribed or necessary or convenient to be prescribed.

38. *Clause 43* contains savings and transitional provisions.

39. *Clause 44* seeks to delete the Second and Third Schedules as both Schedules along with Part VII of the principal Act will be provided in the Strata Management Act 201_.

40. *Clause 45* seeks to amend the Fifth Schedule to the principal Act to streamline the automation procedures for strata titles conversion to a computerized system upon the implementation of the Computerization System of Strata Titles in the land Registry.

41. *Clause 46* seeks to introduce a new Sixth Schedule which contains provisions relating to the implementation of electronic strata titles as a consequence of the coming into operation of the Electronic Land Administration System upon the commencement of the Sixteenth Schedule to the Code.

42. Other amendments not specifically dealt with in this statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

[PN(U2)2768]