

CONVEYANCING (STRATA TITLES) BILL, 1959.

EXPLANATORY NOTE.

THE object of this Bill is to facilitate the subdivision of land in strata, and the disposition of titles thereto.

The scheme of the Bill is as follows:—

The preliminary step in the strata subdivision is registration in the Land Titles Office of a "strata plan", which will illustrate lots corresponding with occupied areas (flats or offices, as the case may be). The lots will be defined in the strata plan by floors, walls and ceilings, but no bearings or dimensions will be necessary.

The strata plan will bear a statement identifying the title to the land, and a certificate by a registered surveyor that the building is within the boundaries of such land. To facilitate definition of lot boundaries, the Bill provides that unless expressly otherwise stipulated, the lot boundary is to be the centre of the floor, wall or ceiling, as the case may be. The plan will also be accompanied by a certificate of compliance under section 217A of the Local Government Act, 1919, as amended.

The grounds upon which local councils may refuse such certificate are reduced to cases where the proposed subdivision—

- (i) would contravene the provisions of a prescribed scheme under Part XIII of the Local Government Act; or
- (ii) would interfere with the amenity of the neighbourhood.

Appeal against any refusal by a council to approve of a strata plan may be brought before the Land and Valuation Court.

Upon registration of a strata plan, lots illustrated therein may be dealt with in the same manner and form as any land held under Torrens or Old System Title. In favour of each lot in a strata plan there are implied statutory easements of support, shelter and services by and/or through the remaining lots, and each lot is, by virtue of the legislation to be subject to corresponding easements in favour of the remaining lots.

So much of the land in a strata plan as is not comprised in the lots therein (this being referred to as the "common property") is to be vested in the lot owners as tenants in common in shares proportional to the notional value of their respective lots, and any certificate of title for a lot will also certify the proprietor's share in the common property. With limited exceptions, common property (or any share therein) can only be disposed of in conjunction with the lot of a proprietor, and conversely, any disposition of a lot operates to dispose of the proprietor's share in the common property.

Upon registration of a strata plan, the proprietors of lots, by virtue of the Bill, become a body corporate, charged with the general management of the building in accordance with the by-laws, which are set out in Schedules to the Bill. In the First Schedule, the by-laws (comprising those which could vitally affect the interests of proprietors of lots and their mortgagees) can be varied only by unanimous agreement of the parties affected. In the Second Schedule (intended to cover minor matters of internal management) the by-laws may be altered by majority vote of proprietors attending a meeting of the body corporate.

Special provisions permit adequate insurance to cover not only the building as such, but also an individual proprietor's interest, should he so desire, and the Bill contains formula to overcome "double insurance" objections.

The subdivider is required to endorse on his strata plan a schedule showing the value of each lot as a proportion of the value of the whole building. This proportion (in the Bill called the unit entitlement) governs—

- (a) the voting rights of proprietors ;
- (b) the quantum of each proprietor's undivided share in common property ; and
- (c) the proportion payable by each proprietor towards outgoings.

Provision is made for the results of destructions, or partial destruction of the building, and in cases of dispute, the Court may make an appropriate order and settle the consequential rights and liabilities of the respective proprietors. If the building is partly destroyed, the proprietors may settle their own future, but failing agreement, the Court may, at the instance of the body corporate or of any proprietor, settle a scheme for restoration of the building, or for the elimination of the building or for the elimination from the body corporate of proprietors of lots which have been destroyed.

Where re-subdivision of lots in a strata plan is proposed, the Bill avoids the necessity of forming a fresh body corporate and the difficulties arising from re-apportionment of unit entitlements in the re-subdivision.

The Bill also provides for the appointment of an administrator to safeguard against malfeasance or neglect on the part of the body corporate, provision being made enabling the Court, at the instance of the body corporate or of a proprietor, to appoint the administrator with some or all of the powers and duties of the body corporate.

By Schedule II, the powers and duties of the body corporate are exercised and performed by a council consisting of not less than three nor more than seven proprietors elected at each annual general meeting of the body corporate. Where there are three or less proprietors, then the council comprises all proprietors. For the protection of mortgagees, the Bill provides that the voting power of a proprietor whose lot is mortgaged is vested in his mortgagee.

The Bill requires the valuing authority to value the parcel of land as a whole upon registration of the strata plan.

A rating authority must apportion the value as determined by the valuing authority amongst the lots on the strata plan in accordance with the unit entitlement of the lots and levy rates in respect of each lot based on the apportionment of value of that lot in all respects as if it were a separate parcel.

The Land Tax Commissioner—

- (i) where the units are used exclusively for residence must apportion the value as determined by the valuing authority amongst the lots on the strata plan in accordance with the unit entitlements of the lots, and levy tax in respect of each lot based on the apportionment value of that lot in all respects as if it were a separate parcel ;
- (ii) in every other case, must assess tax in respect of the parcel as a whole, and levy tax on each proprietor at an amount which bears the same proportion to the tax so assessed as the unit entitlement of that proprietor bears to the aggregate entitlement of all lots.

No. , 1959.

A BILL

To facilitate the subdivision of land in strata and the disposition of titles thereto; and for purposes connected therewith.

[MR. MANNIX;—1 December, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Conveyancing (Strata Short title. Titles) Act, 1959".

2. In the interpretation of this Act and of any regulations or by-laws made hereunder unless the context or subject matter otherwise indicates or requires—

"Body corporate" means the body corporate incorporated by section fifteen of this Act.

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- “Building” means the building or buildings shown in a strata plan.
- 5 “Common property” means so much of the land for the time being comprised in a strata plan as is not comprised in any lot shown in such plan.
- “Lot” means land shown as such in a strata plan.
- “Mortgage” includes a charge for securing money or money’s worth.
- “Parcel” means the land comprised in a strata plan.
- 10 “Proprietor” means the proprietor for the time being of a lot.
- “Strata plan” means a plan which is described in the title or heading thereto as a strata plan and which purports to divide land comprised therein into two or more strata and which complies with the requirements of section five of this Act; and also includes a plan of resubdivision of any lot or lots in a registered strata plan.
- 15 “The Court” means the Supreme Court in its equitable jurisdiction.
- 20 “The local council” means the council of the area under the Local Government Act, 1919, in which the parcel is situated.
- 25 “Unanimous resolution” means a resolution unanimously passed at a duly convened meeting of the body corporate at which all persons entitled to exercise the powers of voting conferred by or under this Act are present personally or by proxy at the time of the motion.
- 30 “Unit entitlement” means the entitlement of each lot, determined in accordance with the provisions of section eighteen for the purposes referred to in that section.
- 35 **3.** (1) Land may be subdivided into lots by registering a Subdivision. strata plan in the manner provided by this Act, but nothing in this Act shall prevent subdivision of land by any means recognised by law prior to the passing of this Act.

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(2) When a plan has been so registered the lots comprised therein, or any one or more thereof, may devolve or be conveyed, transferred, leased, mortgaged, or otherwise dealt with in the same manner and form as any land held under
5 Old System title or under the provisions of the Real Property Act, 1900, as the case may be.

(3) (a) Subject to the provisions of this section, any conveyance, transfer, lease, mortgage or other dealing affecting a lot in a strata plan shall have the same effect as a similar
10 dealing affecting a lot in a plan of subdivision registered pursuant to section 196 of the Conveyancing Act, 1919.

(b) When the parcel is under the provisions of the Real Property Act, 1900, the strata plan shall, for the purposes of that Act, be deemed upon registration to be
15 embodied in the register book; and notwithstanding the provisions of that Act, a proprietor shall hold his lot and his share in the common property subject to any interests for the time being notified on the registered strata plan and subject to any amendments to lots or common property shown on that plan.

(c) Notwithstanding any provisions of the
20 Registration of Deeds Act, 1897, when the parcel is under Old System title, the title taken by any person claiming under an assurance of a lot registered under that Act shall be subject to any interests for the time being notified on the registered
25 strata plan and subject to any amendments to lots or common property shown on that plan.

(4) Section 88 of the Conveyancing Act, 1919, shall not apply to easements or restrictions as to user implied by this Act and such easements or restrictions shall take effect
30 without any memorial or notification on folia of the register book constituting titles to the dominant or servient tenements or without registration under the Registration of Deeds Act, 1897, as the case may be, and without any express indication of those tenements.

35 4. A strata plan may be registered in the manner prescribed by regulations under this Act.

Registration
of a strata
plan.

5.

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5. (1) A strata plan shall—

Strata plan.

- (a) delineate the external surface boundaries of the parcel and the location of the building in relation thereto;
- 5 (b) bear a statement containing such particulars as may be necessary to identify the title to such parcel;
- (c) include a drawing illustrating the lots and distinguishing such lots by numbers or other symbols;
- 10 (d) define the boundaries of each lot in the building by reference to floors, walls, and ceilings, provided that it shall not be necessary to show any bearing or dimensions of a lot;
- (e) show the approximate floor area of each lot;
- (f) be endorsed with a schedule complying with the provisions of section eighteen of this Act;
- 15 (g) contain such other features as may be prescribed by regulations under this Act.

(2) Unless otherwise stipulated in the plan, the common boundary of any lot with another lot or with common property shall be the centre of the floor, wall or ceiling, as the
20 case may be.

(3) Every plan lodged for registration shall be endorsed with or accompanied by a certificate—

- 25 (a) of a surveyor registered under the Surveyors Act, 1929, that the building shown on the plan is within the external surface boundaries of the title stated in the plan;
- (b) of the town or shire clerk of the local council that the proposed subdivision of the parcel, as illustrated in the strata plan, has been approved by the local
30 council; and
- (c) pursuant to section 317A of the Local Government Act, 1919, in respect of the building. **6.**

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6. (1) In respect of each lot there shall be implied— Support.

5 (a) in favour of the proprietor of such lot and as appurtenant thereto, an easement for support thereof by the common property and by every other lot capable of affording support;

10 (b) as against the proprietor of such lot and to which the same shall be subject, an easement for the subjacent and lateral support of the common property and of every other lot capable of enjoying support.

(2) The provisions of section 181B of the Conveyancing Act, 1919, shall not be capable of applying to walls of a building other than walls erected or to be erected on an external boundary of a parcel.

15 7. (1) Every proprietor shall be entitled to have his lot Shelter. sheltered by all such parts of the building as are capable of affording shelter.

20 (2) The right created by this section shall be an easement to which such parts aforesaid of the building shall be subject.

(3) The easement for shelter created by this section shall entitle the proprietor of the dominant tenement to enter on the servient tenement to restore any shelter.

8. In respect of each lot there shall be implied— Services.

25 (a) in favour of the proprietor of that lot, and as appurtenant thereto, easements for the passage of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air and other services through any pipes, wires, cables or ducts for the time being existing in the parcel to the extent to which those pipes, wires, cables or ducts are capable of being used in connection with the enjoyment of such lot;

30 (b) as against the proprietor of such lot, and to which the same shall be subject, easements for the passage of water, sewerage, drainage, gas, electricity, garbage, artificially

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5 artificially heated or cooled air and other services through any pipes, wires, cables or ducts for the time being existing within such lot, as appurtenant to the common property and also to every other lot capable of enjoying such easements.

9. All ancillary rights and obligations reasonably necessary to make easements effective shall apply in respect to easements implied by this Act. Ancillary rights.

10. (1) The common property shall be held by the proprietors as tenants in common in shares proportional to the unit entitlement of their respective lots. Ownership of common property.

15 (2) Where the parcel or part thereof is under the provisions of the Real Property Act, 1900, the Registrar-General in issuing a certificate of title for a lot shall certify therein the proprietor's share in the common property or so much thereof as is under the provisions of the Real Property Act, 1900.

20 11. (1) Save as in this Act provided, no share in the common property shall be disposed of except as appurtenant to the lot of the proprietor and any assurance of a lot shall operate to assure the share of the disposing party in the common property, without express reference thereto. Dispositions of common property.

25 (2) The proprietors by unanimous resolution may direct the body corporate to transfer or convey common property.

30 (3) The body corporate, if it is satisfied that the resolution was duly passed, and that all persons having registered interests in the parcel and all other persons having interests which have been notified to the body corporate have consented in writing to the release of those interests in respect of the land comprised in the proposed disposition, shall execute the appropriate transfer or conveyance, and the transfer or conveyance shall be valid and effective without execution by any person having an interest in the common property, and the receipt of the body corporate shall be a sufficient discharge, and shall exonerate the persons taking under

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under the transfer or conveyance from any responsibility for the application of the moneys expressed to have been so received.

(4) Every such transfer or conveyance lodged for 5 registration shall be endorsed with or accompanied by a certificate under the seal of the body corporate that the resolution was duly passed and that all necessary consents were given.

(5) In favour of purchasers of the common 10 property and in favour of the Registrar-General the certificate shall be conclusive evidence of the facts stated therein.

(6) Where the land transferred is under the provisions of the Real Property Act, 1900, the Registrar-General shall 15 register the transfer by issuing to the transferee a certificate of title for the land transferred, and no notification of the transfer shall be made on any certificate of title or folium of the register-book.

(7) Upon lodgment for registration of a transfer or 20 conveyance of common property, the Registrar-General shall, before issuing a certificate of title or registering the conveyance, as the case may be, amend the registered strata plan by deleting therefrom the common property comprised in the transfer or conveyance.

25 **12.** (1) Upon destruction of the building the body corporate shall forthwith lodge with the Registrar-General a ^{Disposition} notification of such destruction in the form prescribed by ^{on destruc-} regulations under this Act. ^{tion of} ^{the building.}

(2) Upon receipt of the notification referred to in 30 subsection one of this section the Registrar-General shall make an entry thereof on the relevant registered strata plan in the manner prescribed by regulations under this Act.

(3) Upon such entry as aforesaid proprietors of lots in such strata plan shall be entitled to the parcel as tenants 35 in common in shares proportional to the unit entitlement of their respective lots.

(4)

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(4) The proprietors by unanimous resolution may direct the body corporate to transfer or convey the parcel.

(5) The body corporate, if it is satisfied that the resolution was duly passed, and that all persons having 5 registered interests in the parcel and all other persons having interests which have been notified to the body corporate have consented in writing to the release of those interests in respect of the land comprised in the proposed disposition, shall execute the appropriate transfer or conveyance, and the 10 transfer or conveyance shall be valid and effective without execution by any person having an interest in the common property, and the receipt of the body corporate shall be a sufficient discharge, and shall exonerate the persons taking under the transfer or conveyance from any responsibility for 15 the application of the moneys expressed to have been so received.

(6) Every such transfer or conveyance lodged for registration shall be endorsed with or accompanied by a certificate under the seal of the body corporate that the 20 resolution was duly passed and that all necessary consents were given.

(7) In favour of purchasers of the parcel and in favour of the Registrar-General the certificate shall be conclusive evidence of the facts stated therein.

25 (8) Upon lodgment for registration of a transfer or conveyance of a parcel by the body corporate pursuant to this section, the Registrar-General, before issuing a certificate of title or registering the conveyance, as the case may be, shall make the entry prescribed by subsection two of this 30 section.

(9) Where land transferred by the body corporate pursuant to this section is under the provisions of the Real Property Act, 1900,—

35 (a) the proprietors shall surrender to the Registrar-General their duplicate certificates of title for cancellation;

(b)

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5 (b) the Registrar-General, after cancelling the folia of the register-book constituted by the certificates of title relating to the lots, shall register the transfer by issuing to the transferee a certificate of title for the land transferred.

13. (1) The proprietors of all lots by unanimous resolution at a meeting convened by the body corporate may direct the body corporate— Creation of easements and covenants.

- 10 (a) to execute on their behalf a grant of easement or a restrictive covenant burdening the parcel;
- (b) to accept on their behalf a grant of easement or a restrictive covenant benefiting the parcel.

15 (2) The body corporate, if it is satisfied that the resolution was duly passed, and that all persons having registered interests in the parcel and all other persons having interests which have been notified to the body corporate have consented in writing to the release of those interests in respect of the land comprised in the proposed disposition, shall execute the appropriate transfer, conveyance, or covenant, and the transfer, conveyance or covenant shall be valid and effective without execution by any person having an interest in the common property, and the receipt of the body corporate shall be a sufficient discharge, and shall exonerate all persons taking under the transfer or conveyance from any responsibility for the application of the moneys expressed to have been so received.

20 (3) Every such transfer, conveyance or covenant lodged for registration shall be endorsed with or accompanied by a certificate under the seal of the body corporate that the resolution was duly passed and that all necessary consents were given.

25 (4) In favour of persons dealing with the body corporate pursuant to this section and in favour of the Registrar-General the certificate shall be conclusive evidence of the facts stated therein.

(5) Where land taking the benefit of an easement or covenant or becoming subject to an easement or covenant is under the provisions of the Real Property Act, 1900, the Registrar-General

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Registrar-General shall register the instrument creating such easement or restriction by noting the same on the strata plan in the manner provided by regulations under this Act.

14. (1) The building shall be regulated by by-laws. By-laws.

5 (2) The by-laws shall provide for the control, management, administration, use and enjoyment of the lots and the common property and shall comprise—

(a) the by-laws set forth in the First Schedule which shall be unalterable except by unanimous resolution;

10 (b) the by-laws set forth in the Second Schedule which may be added to, amended, or repealed by the body corporate.

(3) No addition to or amendment or repeal of any by-law shall be capable of operating to prohibit or restrict
15 the assignment or devolution of lots or to destroy or modify any easement implied by this Act.

(4) No addition to or amendment or repeal of any by-law pursuant to paragraph (a) of subsection two of this section shall have effect until the body corporate shall have
20 lodged a notification thereof in the form prescribed by regulation under this Act with the Registrar-General and until the Registrar-General shall have made reference thereto on the registered strata plan.

(5) The body corporate shall on the application of
25 a proprietor or any person authorised in writing by him make available for inspection the by-laws for the time being in force.

(6) The by-laws for the time being in force shall bind the body corporate and the proprietors to the same extent as
30 if such by-laws had respectively been signed and sealed by the body corporate and each proprietor and contained covenants on the part of the body corporate with each proprietor and on the part of each proprietor with every other proprietor and with the body corporate to observe and perform all the
35 provisions of the by-laws.

15.

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15 **15.** (1) (a) The proprietor or proprietors shall, by virtue of this Act, upon registration of the strata plan be a body corporate under the name "The Proprietors—Strata Plan No. (registered number of the relevant strata plan)".

(b) In this subsection "proprietors" includes the persons entitled to the parcel pursuant to subsection three of section twelve of this Act.

10 (2) The provisions of the Companies Act, 1936, shall not apply to the body corporate.

(3) Subject to this Act the body corporate shall be responsible for enforcement of the by-laws and the control, management and administration of the common property.

15 (4) The body corporate shall have perpetual succession and a common seal and shall be capable of suing and being sued in its corporate name and shall be regulated in accordance with the by-laws for the time being in force.

(5) The body corporate may—

- 20 (a) sue and be sued on any contract made by it;
- (b) sue for and in respect of any damage or injury to the common property caused by any person, whether a proprietor or not;
- (c) be sued in respect of any matter for which the proprietors are jointly liable.

25 **16.** (1) The duties of the body corporate shall include the following :—

30 (a) to insure the building to the replacement value thereof unless the proprietors by unanimous resolution otherwise resolve and the body corporate, for the purpose of insurance, shall have an insurable interest in the building to the replacement value thereof;

(b) to insure against all risks which are required by law to be insured;

(c)

Duties and powers of body corporate.

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- (c) to insure against such other risks as the proprietors may from time to time determine by special resolution as defined in clause thirty-seven of the First Schedule to this Act;
- 5 (d) subject to section nineteen of this Act, forthwith to apply insurance moneys received by it in respect of damage to the building in rebuilding and reinstating the building so far as the same may lawfully be effected;
- 10 (e) to pay premiums on any policies of insurance effected by it;
- (f) to keep in a state of good and serviceable repair and properly maintain, the common property.
- (2) The powers of the body corporate shall include
15 the following :—
- (a) to establish a fund for administrative expenses sufficient in the opinion of the body corporate for the control, management and administration of the common property, for the payment of any premiums
20 of insurance and the discharge of any other obligation of the body corporate;
- (b) to determine from time to time the amounts to be raised for the purposes aforesaid;
- 25 (c) to raise amounts so determined by levying contributions on the proprietors in proportion to the unit entitlement of their respective lots.
- (3) (a) Subject to the provisions of paragraph (b) of this subsection, any contribution levied as aforesaid shall be due and payable on the passing of a resolution to that
30 effect and in accordance with the terms of such resolution, and may be recovered by the body corporate in an action in any court of competent jurisdiction from the proprietor entitled at the time when such resolution was passed and from the proprietor entitled at the time when such action was instituted
35 both jointly and severally.
- (b) The body corporate shall on the application of a proprietor or any person authorised in writing by him certify—
- 40 (i) the amount of any contribution due or payable by the proprietor; (ii)

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- (ii) the manner in which such contribution is payable;
and
- (iii) the extent to which such contribution has been paid
by the proprietor;

5 and, in favour of any person dealing with that proprietor,
such certificate shall be conclusive evidence of the matters
certified therein.

17. (1) Where a building has been insured to its Insurance.
replacement value—

- 10 (a) a proprietor may effect a policy of insurance in
respect of any damage to his lot in a sum equal to
the amount secured, at the date of any loss referred
to in such policy, by mortgages charged upon his lot;
 - 15 (b) payment shall be made by the insurer under such
policy to the mortgagees whose interests are noted
thereon in order of their respective priorities;
 - (c) subject to the terms and conditions of such policy,
the insurer shall be liable to pay thereunder—
 - 20 (i) the value stated in such policy; or
 - (ii) the amount of the loss; or
 - (iii) the amount sufficient, at the date of the
loss, to discharge mortgages charged upon
the lot,
whichever is the least amount;
 - 25 (d) where the amount so paid by the insurer equals the
amount necessary to discharge a mortgage charged
upon the lot the insurer shall be entitled to an
assignment of that mortgage;
 - 30 (e) where the amount so paid by the insurer is less than
the amount necessary to discharge a mortgage
charged upon the lot the insurer shall be entitled to
a sub-mortgage of such mortgage to secure the
amount so paid on terms and conditions agreed upon
as provided in subsection three of this section, or,
35 failing agreement, on the same terms and conditions
as those contained in the mortgage by the proprietor.
- (2)

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

- (i) effect a policy of insurance in respect of any damage to his lot in a sum equal to the replacement value of his lot less a sum representing the amount to which his lot is insured under any policy of insurance effected on the building;
- (ii) notwithstanding any existing policies, effect a policy of insurance in respect of damage to his lot in a sum equal to the amount secured, at the date of any loss referred to in such lastmentioned policy, by mortgages charged upon his lot, and the provisions of clauses (b), (c), (d) and (e) of subsection one of this section shall apply in respect of any payment pursuant to such lastmentioned policy.

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

(3) For the purposes of paragraph (e) of subsection one and of subparagraph (ii) of paragraph (a) of subsection two of this section, any insurer and mortgagee or mortgagees may at any time, whether before or after a policy of insurance has been effected by a proprietor, agree upon the terms and conditions of the sub-mortgage.

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

(5) This section shall apply notwithstanding the provisions of the Life Assurance Act, 1774 (Imperial) (14 Geo. III c. 48), or any other law relating to insurance.

18. Every plan lodged for registration as a strata plan shall have endorsed upon it a schedule specifying in whole numbers the unit entitlement of each lot and a number equal to the aggregate and entitlement of all lots, and such unit entitlement shall determine—

(a) the voting rights of proprietors;

(b)

Unit entitlement of lots.

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- (b) the quantum of the undivided share of each proprietor in the common property;
- (c) the proportion payable by each proprietor of contributions levied pursuant to subsection two of section sixteen of this Act.

5
19. (1) For the purposes of this Act the building is destroyed on the happening of the following events—

Destruction
of the
building.

- (a) when the proprietors by unanimous resolution so resolve; or
- 10 (b) when the Court is satisfied that having regard to the rights and interests of the proprietors as a whole it is just and equitable that the building shall be deemed to have been destroyed and makes a declaration to that effect.

15 (2) In any case where a declaration has been made pursuant to paragraph (b) of subsection one of this section the Court may by order impose such conditions and give such directions (including directions for the payment of money) as it thinks fit for the purpose of adjusting as between
20 the body corporate and the proprietors and as amongst the proprietors themselves the effect of the declaration.

(3) (a) Where the building is damaged but is not destroyed pursuant to subsection one of this section, the Court may by order settle a scheme—

- 25 (i) for the reinstatement in whole or in part of the building;
- (ii) for transfer or conveyance of the interests of proprietors of lots which have been wholly or partially destroyed to the other proprietors in proportion to their unit entitlement.

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

- 35 (i) directing the application of insurance moneys received by the body corporate in respect of damage to the building;

(ii)

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- (ii) directing payment of money by the body corporate or by proprietors or by some one or more of them;
- 5 (iii) directing amendment of the strata plan so as to include in the common property any accretion thereto;
- (iv) imposing such terms and conditions as it thinks fit.

(4) For the purposes of this section an application may be made to the Court by the body corporate or by a proprietor or by a registered mortgagee of a lot.

10 (5) The Court may from time to time vary any order made by it under this section.

(6) (a) The Court on the application of the body corporate or any member thereof or the administrator may by order make provision for the winding up of the affairs of the
15 body corporate.

(b) By the same or subsequent order the Court may declare the body corporate dissolved as and from a date specified in the order.

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

20. (1) The provisions relating to subdivision of land contained in the Local Government Act, 1919, or any other Act, shall not apply to any subdivision effected pursuant to
25 subsection one of section three of this Act: Provided always that the boundaries of the parcel correspond with boundaries of a lawful subdivision within the meaning of the Local Government Act, 1919, and provided further that any disposition of common property does not contravene the
30 provisions of that Act.

Approval
of sub-
division.

(2)

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(2) In respect of any application for a certificate under paragraph (b) of subsection three of section five of this Act the local council shall direct the issue of such certificate if it is satisfied that—

- 5 (a) separate occupation of the proposed lots will not contravene the provisions of any prescribed scheme within the meaning of Part XIIA of the Local Government Act, 1919;
- 10 (b) any consent or approval required under any such prescribed scheme has been given in relation to the separate occupation of the proposed lots;
- 15 (c) the building and the proposed subdivision of the parcel into lots for separate occupation will not interfere with the existing or likely future amenity of the neighbourhood, having regard to the circumstances of the case, including any proclamation under section three hundred and nine of the Local Government Act, 1919, for the time being in force and affecting the parcel.

20 (3) Upon any refusal by the local council to direct the issue of the certificate referred to in subsection two of this section, or upon failure by the local council to do so within forty days after application for such certificate, the applicant may appeal to the Land and Valuation Court in
25 accordance with the provisions of section 342N of the Local Government Act, 1919, and the provisions of that section shall extend mutatis mutandis to and in respect of such appeal.

30 (4) (a) Any proprietor or proprietors may with the approval of the local council subdivide his or their lots by registering a strata plan relating to the lot or lots so resubdivided in the manner provided by this Act for the registration of strata plans.

(b) Save as in this section provided, the
35 provisions of this Act relating to strata plans and to appeals from any decision of the local council or failure by the local council to make a decision shall mutatis mutandis apply to such resubdivision.

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(c) Notwithstanding the provisions of section fifteen of this Act proprietors of lots in a strata plan of resubdivision shall not form a body corporate, but shall, as from the date of registration of such plan of resubdivision
5 be members of the body corporate formed on registration of the original strata plan.

(d) On registration of a strata plan of resubdivision, lots comprised therein shall be subject to the burden and have the benefit of any easements affecting such
10 lots in the original strata plan as are included in the plan of resubdivision.

(e) The schedule endorsed on a strata plan of resubdivision, as required by section eighteen of this Act, shall apportion among the lots the unit entitlement of such lot or
15 lots in the original strata plan as are included in the resubdivision.

(f) Before registering a strata plan of resubdivision the Registrar-General shall amend the original registered strata plan in the manner prescribed by regulations
20 under this Act.

(g) Upon registration of any strata plan of resubdivision land therein shall not be dealt with by reference to lots in the original strata plan.

(5) The decision of the Land and Valuation Court
25 upon any appeal under this section shall be final, and shall be binding on the local council and the appellant, and for the purposes of this Act shall be deemed to be the final decision of the local council.

21. (1) In this section—
30 “Appropriate valuing Act” means—

Rates
and
taxes.

(a) where the Valuer-General is the valuing authority in respect of the parcel—the Valuation of Land Act, 1916, as amended by subsequent Acts;

35 (b) where a council is the valuing authority in respect of the parcel—the Local Government Act, 1919, as amended by subsequent Acts;

(c)

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5 (c) where the Western Lands Commissioner is the valuing authority in respect of the parcel—Division 2 of Part VII of the Land Tax Management Act, 1956, as amended by subsequent Acts.

“Area” has the meaning ascribed to that expression in the Local Government Act, 1919, as amended by subsequent Acts.

10 “Council” has the meaning ascribed to that expression in the Local Government Act, 1919, as amended by subsequent Acts.

“Valuing authority” means—

15 (a) where the parcel is situated in an area or part of an area in respect of which area or part the Valuer-General has furnished a valuation list to the council concerned in accordance with the Valuation of Land Act, 1916, as amended by subsequent Acts—the Valuer-General;

20 (b) where the parcel is situated in an area or part of an area which area or part is not an area or part in respect of which the Valuer-General has furnished a valuation list to the council concerned in accordance with the Valuation of Land Act, 1916, as amended by subsequent Acts—the council of the area concerned;

25 (c) where the parcel is situated in the Western Division but not situated in an area—the
30 Western Lands Commissioner.

(2) As soon as practicable after the registration of the strata plan, the valuing authority shall cause the parcel to be valued under and subject to the appropriate valuing Act as if it were owned by a single owner.

35 Thereafter the parcel shall be valued by the valuing authority under and subject to the appropriate valuing Act at such times as are provided for by that Act as if it were owned by a single owner.

For

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For the purposes of valuing the parcel as aforesaid and for all purposes incidental thereto (including objection to a valuation) the parcel and all improvements thereon shall be deemed to be owned by the body corporate and by no other
5 person.

The valuing authority is not required to make a valuation in relation to the parcel otherwise than as if it were owned by a single owner.

(3) The body corporate shall, within seven days after
10 the registration of a strata plan, furnish to the valuing authority and to each authority authorised to levy rates or taxes in relation to the parcel or any part thereof a copy of the registered strata plan (including all endorsements thereon) certified as prescribed.

15 For all purposes in relation to the making, levying, imposition, assessment or recovery of rates or taxes in relation to the parcel or any part thereof—

(a) the particulars shown on the certified copy of the strata plan so furnished shall be conclusive evidence
20 of those particulars; and

(b) the production by an authority authorised to levy rates and taxes in relation to the parcel or any part thereof of what purports to be the certified copy of the strata plan so furnished shall be prima facie
25 evidence that it is the certified copy so furnished.

(4) Where the valuing authority being a council makes a valuation of the parcel showing the body corporate as owner, or where the valuing authority furnishes to an authority authorised to make and levy rates on the parcel a valuation
30 of the parcel showing the body corporate as owner, the following provisions have effect :—

(a) the value of the parcel shown in the valuation shall be apportioned by the council or the lastmentioned authority, as the case may be, between the lots
35 comprised in the parcel in proportion to the unit entitlement of the respective lots as shown on the strata

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strata plan furnished to the council or the last-mentioned authority, as the case may be, under subsection three of this section;

- 5 (b) the body corporate is not liable in relation to the parcel for any rate made and levied by the council or the lastmentioned authority, as the case may be;
- 10 (c) the proprietor of each lot comprised in the parcel is deemed to be the owner in fee simple in possession of the lot as if it were a separate parcel of land equal in value to that apportioned to it under paragraph (a) of this subsection and is, subject to any exemptions or concessions that may be applicable, liable accordingly for any rate made and levied by the council or the lastmentioned authority, as the case may be, on the owners of land.
- 15

In this subsection, "value of the parcel" means—

- 20 (i) where the body apportioning the value pursuant to paragraph (a) of this subsection makes and levies the rates by reference to the unimproved value of land—the unimproved value of the parcel;
- (ii) where that body makes and levies rates by reference to the improved value of land—the improved value of the parcel; or
- 25 (iii) where that body makes and levies rates by reference to the assessed annual value of land—the assessed annual value of the parcel.

(5) Where the Commissioner of Land Tax is furnished by a valuing authority with a valuation of the parcel showing the body corporate as owner of the parcel the following provisions have effect : —

30

(a) In a case where—

- 35 (i) each of the lots comprised in the parcel forms a complete residence in itself and is occupied for the purposes of residence and for no other purpose. (For the purposes of this subparagraph a lot shall not be deemed not to form a complete residence in itself—
- (a) unless it has its own separate cooking and bathing facilities; (b)

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- 5 (b) by reason only that the common property or a laundry or laundry facilities are used by the occupants of the lot in common with the occupants of one or more of the other lots) ;
- 10 (ii) by-laws made under the First Schedule to this Act have during the whole of the twelve months immediately preceding the year for which land tax is being levied contained a provision prohibiting the use of any lot or the common property for any purpose other than residence. (In this subparagraph "year" means the period of twelve months commencing on the first day of November) ;
- 15 and
- 20 (iii) each proprietor lodges with the Commissioner of Land Tax with his return under section twelve of the Land Tax Management Act, 1956-1957, a statutory declaration declaring that the proprietor has observed during the twelve months referred to in subparagraph (ii) of this paragraph the provision in the by-laws prohibiting the use of any lot or the common property for any purpose other than residence ;
- 25 then—
- 30 (iv) the unimproved value of the parcel shown in the valuation shall be apportioned by the Commissioner of Land Tax between the lots comprised in the parcel in proportion to the unit entitlement of the respective lots as shown on the strata plan furnished to the Commissioner of Land Tax under subsection three of this section ;
- 35 (v) the body corporate is not liable in respect of the parcel for land tax ;
- 40 (vi) the liability for land tax of each proprietor of a lot comprised in the parcel shall, subject to any exemptions or concessions that may be applicable, be determined as if the lot were

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a separate parcel of land with an unimproved value equal to that apportioned to it under subparagraph (iv) of this paragraph owned by the proprietor in fee simple in possession.

5 (b) In any other case—

(i) the body corporate is not liable in respect of the parcel for land tax;

10 (ii) subject to subparagraphs (iv), (v) and (vi) of this paragraph, the liability for land tax in respect of each proprietor shall be determined by apportioning the land tax applicable to the unimproved value of the parcel between the lots comprised in the parcel in proportion to the unit entitlement of the respective lots as shown on the strata plan furnished under subsection three of this section;

15 (iii) where the parcel includes lots which are exempt or partially exempt under section ten of the Land Tax Management Act, 1956-1957, or which are taxable at concessional rates under section four of the Land Tax Act, 1956, then for the purposes of calculating that exemption or concession the unimproved value of a lot shall be determined as in subparagraph (iv) of paragraph (a) of this subsection;

20 (iv) where subparagraph (iii) of this paragraph applies, then for the purpose of subparagraph (ii) of this paragraph—

30 The unimproved value of the parcel shall be reduced by the unimproved value of any exempt lot, and by the unimproved value of the exempt portion of any partially exempt lot.

35 An exempt lot shall be excluded from the apportionment referred to in subparagraph (ii) of this paragraph.

The

Conveyancing (Strata Titles).

be joint owners of the parcel as tenants in common in fee simple in possession;

5

(b) the calculation, pursuant to subparagraphs (ii), (iii) and (iv) of this paragraph, of the land tax applicable to the unimproved value of the parcel shall be deemed to be the joint assessment of those joint owners;

10

(c) those joint owners in respect of that joint assessment shall be deemed to be the primary taxpayer.

(6) Where the parcel is situated in an area or part of an area in respect of which area or part the Valuer-General has furnished a valuation list to the council concerned in accordance with the Valuation of Land Act, 1916, as amended by subsequent Acts, nothing in this section prevents the Valuer-General from making and entering on the valuation roll a valuation of the interest of any proprietor in the parcel; but the valuation shall not be included in a valuation list or supplementary list and shall not be used for any purpose of this section.

22. (1) The body corporate or any person having an interest in a lot may apply to the Court for appointment of an administrator.

(2) The Court may in its discretion on cause shown appoint an administrator for an indefinite period or for a fixed period on such terms and conditions as to remuneration or otherwise as it thinks fit. The remuneration and expenses of the administrator shall be an administrative expense within the meaning of this Act.

(3) The administrator shall, to the exclusion of the body corporate, have the powers and duties of the body corporate or such of those powers and duties as the Court shall order.

(4)

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(4) The administrator may delegate any of the powers so vested in him.

(5) The Court may in its discretion on the application of the administrator or any person referred to in sub-section one of this section remove or replace the administrator.

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

23. (1) Any powers of voting conferred by or under this Act may be exercised— Voting rights.

(a) in the case of a proprietor who is an infant, by his guardian, or if there is no such guardian, by the Public Trustee;

15 (b) in the case of a proprietor who is for any reason unable to control his property, by the person who for the time being is authorised by law to control that property;

20 (c) in the case of a proprietor who cannot be found or ascertained or as to whom it is uncertain whether he is living or dead, by the Public Trustee;

(d) in the case of a proprietor who is dead and in respect of whose estate administration has not been granted, by the Public Trustee.

25 (2) Where a unanimous resolution is required by this Act and there is no person authorised by this Act able and willing to vote in respect of a lot, the body corporate shall apply to the Court for the appointment of a person to vote in respect of such lot, and the Court shall appoint a fit and proper person for the purpose.

30 (3) On making such appointment, the Court may make such order as it thinks necessary or expedient to give effect to such appointment including an order as to the payment of costs of the application, and may vary any order so made.

24.

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24. (1) Where a proprietor's interest is subject to a registered mortgage, a power of voting conferred on a proprietor by or under this Act—

Voting
rights of
mortgagees.

- 5 (a) where a unanimous resolution is required, shall not be exercised by the proprietor, but shall be exercised by the registered mortgagee first entitled in priority;
- 10 (b) in other cases, may be exercised by the mortgagee first entitled in priority, and shall not be exercised by the proprietor when such mortgagee is present personally or by proxy.

(2) Subsection one of this section shall not apply unless the mortgagee has given written notice of his mortgage to the body corporate.

15 25. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for or in relation to—

Regulations.

- 20 (a) the manner and form of registering a strata plan;
- (b) the fees to be paid for any procedure or function required or permitted to be done under this Act.

(2) Regulations made under this Act shall be published in the Gazette and shall take effect from the date of such publication or from such later date as may be specified therein.

(3) Such regulations shall be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, within fourteen days after the commencement of the next session; and if either House passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulations or part thereof such regulations or part shall thereupon cease to have effect.

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FIRST SCHEDULE.

1. A proprietor shall—
- Duties of a proprietor.
- 5 (a) permit the body corporate and its agents, at all reasonable times on notice (except in case of emergency when no notice shall be required), to enter his lot for the purpose of maintaining, repairing or renewing pipes, wires, cables and ducts for the time being existing in the lot and capable of being used in connection with the enjoyment of any other lot or common property, or for the purpose of maintaining, repairing or renewing common property ;
- 10 (b) forthwith carry out all work that may be ordered by any competent public or local authority in respect of his lot other than such work as may be for the benefit of the building generally and pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his lot ;
- 15 (c) repair and maintain his lot, and keep the same in a state of good repair, reasonable wear and tear, and damage by fire, storm, tempest or act of God excepted ;
- 20 (d) use and enjoy the common property in such a manner as not unreasonably to interfere with the use and enjoyment thereof by other proprietors or their families or visitors ;
- 25 (e) not use his lot or permit the same to be used in such manner or for such purpose as shall cause a nuisance to any occupier of a lot (whether a proprietor or not) or the family of such occupier.
2. The body corporate shall—
- Further duties of body corporate.
- 30 (a) control, manage and administer the common property for the benefit of all proprietors ;
- (b) keep in a state of good and serviceable repair and properly maintain the fixtures and fittings (including elevators) used in connection with the common property ;
- 35 (c) establish and maintain suitable lawns and gardens on the common property ;
- (d) maintain and repair (including renewal where reasonably necessary) pipes, wires, cables and ducts for the time being existing in the parcel and capable of being used in connection with the enjoyment of more than one lot or common property ;
- 40 (e) on the written request of a proprietor, or registered mortgagee of a lot, produce to such proprietor or mortgagee, or person authorised in writing by such proprietor or mortgagee, the policy or policies of insurance effected by the body corporate, and the receipt or receipts for the last premium or premiums in respect thereof.

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3. The body corporate may—
- (a) purchase, hire or otherwise acquire personal property for use by proprietors in connection with their enjoyment of common property ;
- 5 (b) borrow moneys required by it in the performance of its duties or the exercise of its powers ;
- (c) secure the repayment of moneys borrowed by it, and the payment of interest thereon, by negotiable instrument, or mortgage of unpaid contributions (whether levied or not),
- 10 or mortgage of any property vested in it, or by combination of those means ;
- (d) invest as it may determine any moneys in the fund for administrative expenses ;
- 15 (e) make an agreement with any proprietor or occupier of a lot for the provision of amenities or services by it to such lot or to the proprietor or occupier thereof ;
- (f) grant to a proprietor the right to exclusive use and enjoyment of common property, or special privileges in respect thereof, provided that any such grant shall be determinable on
- 20 reasonable notice unless the body corporate by unanimous resolution otherwise resolves ;
- (g) do all things reasonably necessary for the enforcement of the by-laws and the control, management and administration of the common property.
- 25 4. The powers and duties of the body corporate shall, subject to any restriction imposed or direction given at a general meeting, be exercised and performed by the council of the body corporate. Further powers of body corporate.
5. The council shall consist of not less than three nor more than seven proprietors and shall be elected at each annual general meeting:
- 30 Provided that where there are not more than three proprietors, the council shall consist of all proprietors.
6. Except where the council consists of all the proprietors, the body corporate may by resolution at an extraordinary general meeting remove any member of the council before the expiration of his term of
- 35 office and appoint another proprietor in his place to hold office until the next annual general meeting.
7. Any casual vacancy on the council may be filled by the remaining members of the council.
8. Except where there is only one proprietor, a quorum of the
- 40 council shall be two, where the council consists of four or less members ; three, where it consists of five or six members ; and four, where it consists of seven members.

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9. At the commencement of each meeting the council shall elect a chairman for the meeting, who shall have a casting as well as an original vote.
10. At meetings of the council all matters shall be determined by
5 simple majority vote.
11. The council may—
- 10 (a) meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit, provided that it shall meet when any member gives to the other members seven days' notice of a meeting proposed by him, specifying the reason for calling such meeting ;
- 15 (b) employ for and on behalf of the body corporate such agents and servants as it thinks fit in connection with the control, management and administration of the common property, and the exercise and performance of the powers and duties of the body corporate ;
- 20 (c) subject to any restriction imposed or direction given at a general meeting, delegate to one or more of its members such of its powers and duties as it thinks fit, and at any time revoke such delegation.
12. The council shall—
- (a) keep minutes of its proceedings ;
- (b) cause minutes to be kept of general meetings ;
- 25 (c) cause proper books of account to be kept in respect of all sums of money received and expended by it and the matters in respect of which such receipt and expenditure take place ;
- (d) prepare proper accounts relating to all moneys of the body corporate, and the income and expenditure thereof, for
30 each annual general meeting ;
- (e) on application of a proprietor or mortgagee, or any person authorised in writing by him, make the books of account available for inspection at all reasonable times.
13. All acts done in good faith by the council shall notwithstanding
35 it be afterwards discovered that there was some defect in the appointment or continuance in office of any member of the council be as valid as if such member had been duly appointed or had duly continued in office.
14. A general meeting of proprietors shall be held within three
40 months after registration of the strata plan. **General meetings.**
15. Subsequent general meetings shall be held once in each year provided that not more than fifteen months shall elapse between the date of one annual general meeting and that of the next.
- 16.

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

17. The council may whenever it thinks fit and shall upon a requisition in writing made by proprietors entitled to twenty-five per centum
5 of the total unit entitlement of the lots convene an extraordinary general meeting.

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

19. All business shall be deemed special that is transacted at an
15 annual general meeting with the exception of the consideration of
Proceedings at general meetings.
accounts and election of members to the council, or at an extraordinary general meeting.

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

21. If within one-half hour from the time appointed for a general
25 meeting a quorum is not present the meeting shall stand adjourned to the same day in the next week at the same place and time and if at the adjourned meeting a quorum is not present within one-half hour from the time appointed for the meeting the proprietors present shall be a quorum.

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

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

24. A poll if demanded shall be taken in such manner as the
40 chairman thinks fit and the result of the poll shall be deemed to be the resolution of the meeting at which such poll was demanded.

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

26.

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26. On a show of hands each proprietor shall have one vote ; on Votes of a poll the votes of proprietors shall correspond with the unit proprietors. entitlement of their respective lots.
27. On a show of hands or on a poll votes may be given either 5 personally or by proxy.
28. An instrument appointing a proxy shall be in writing under the hand of the appointer or his attorney, and may be either general or for a particular meeting. A proxy need not be a proprietor.
29. Except in cases where by or under the Act a unanimous 10 resolution is required, no proprietor shall be entitled to vote at any general meeting unless all contributions payable in respect of his lot have been duly paid.
30. Co-proprietors may vote by proxy jointly appointed by them, and in the absence of such proxy shall not be entitled to vote on a 15 show of hands, except when the unanimous resolution of proprietors is required by the Act ; but any one co-proprietor may demand a poll. On any poll each co-proprietor shall be entitled to such part of the vote applicable to a lot as is proportionate to his interest in the lot. The joint proxy (if any) on a poll shall have a vote proportionate to 20 the interests in the lot of such of the joint proprietors as do not vote personally or by individual proxy.
31. Where proprietors are entitled to successive interests in a lot, the proprietor entitled to the first interest shall alone be entitled to vote, whether on a show of hands or a poll ; and this by-law shall be 25 applicable whether by the Act the unanimous resolution of proprietors is required or not.
32. Where a proprietor is a trustee he shall exercise the voting rights in respect of the lot to the exclusion of persons beneficially interested in the trust, and such persons shall not vote.
- 30 33. The body corporate shall have a common seal which shall at no time be used except by authority of the council previously given Common seal. and in the presence of the members of the council or at least two members thereof, who shall sign every instrument to which the seal is affixed.
- 35 34. Any notice, requisition, writ, summons or document shall be Notices. duly served on the body corporate and the council if sent by pre-paid registered post addressed to the body corporate by its corporate name at the proper postal address of the building, and shall be deemed to be served when the same would be delivered in the ordinary course 40 of post.
35. Any notice, requisition, writ, summons or document shall be duly served on a proprietor if sent by pre-paid registered post addressed to the proprietor by name, or by the description following, that is to say:

Conveyancing (Strata Titles).

say: "The Proprietor of lot No. (specifying the lot)", at the proper postal address of the lot, and shall be deemed to be served when the same would be delivered in the ordinary course of post. Such description as aforesaid shall be appropriate to a sole proprietor or joint or successive proprietors.

36. The by-laws in the Second Schedule may be amended by special resolution of the body corporate, and not otherwise. Amendment
of by-laws.

37. A special resolution means a resolution passed at a general meeting of which at least fourteen days' notice specifying the proposed special resolution has been given by a majority of not less than three-fourths of the total unit entitlement of the lots, and not less than three-fourths of all members. Special
resolution.

SECOND SCHEDULE.

1. A proprietor shall not—
 - 15 (a) use his lot for any purpose which may be illegal or injurious to the reputation of the building ;
 - (b) make undue noise in or about any lot or common property ;
 - (c) keep any animals on his lot or the common property after notice in that behalf from the council.
- 20 2. When the purpose for which a lot is intended to be used is shown expressly or by necessary implication on or by the registered strata plan, a proprietor shall not use his lot for any other purpose, or permit the same so to be used.

Sydney: V. C. N. Blight, Government Printer—1959

[3s.]

Continuation of Form 1041

1. Name of the estate: [Illegible]

2. Date of death: [Illegible]

3. Date of termination: [Illegible]

4. Name of the executor: [Illegible]

5. Name of the trustee: [Illegible]

6. Name of the beneficiary: [Illegible]

7. Name of the decedent: [Illegible]

8. Name of the testator: [Illegible]

9. Name of the devisee: [Illegible]

10. Name of the legatee: [Illegible]

11. Name of the devisee: [Illegible]

12. Name of the legatee: [Illegible]

13. Name of the devisee: [Illegible]

14. Name of the legatee: [Illegible]

15. Name of the devisee: [Illegible]

16. Name of the legatee: [Illegible]

17. Name of the devisee: [Illegible]

18. Name of the legatee: [Illegible]

19. Name of the devisee: [Illegible]

20. Name of the legatee: [Illegible]

Continuation of Form 1041

1. Name of the estate: [Illegible]

2. Date of death: [Illegible]

3. Date of termination: [Illegible]

4. Name of the executor: [Illegible]

5. Name of the trustee: [Illegible]

6. Name of the beneficiary: [Illegible]

7. Name of the decedent: [Illegible]

8. Name of the testator: [Illegible]

9. Name of the devisee: [Illegible]

10. Name of the legatee: [Illegible]

11. Name of the devisee: [Illegible]

12. Name of the legatee: [Illegible]

13. Name of the devisee: [Illegible]

14. Name of the legatee: [Illegible]

15. Name of the devisee: [Illegible]

16. Name of the legatee: [Illegible]

17. Name of the devisee: [Illegible]

18. Name of the legatee: [Illegible]

19. Name of the devisee: [Illegible]

20. Name of the legatee: [Illegible]