

(3) For the purposes of paragraphs (1)(d) and (2)(b), any insurer and any mortgagee or mortgagees may at any time, whether before or after a policy of insurance has been effected by a unit owner, agree upon the terms and conditions of the sub-mortgage.

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

(5) Any policy of insurance authorised by this section and taken out by a unit owner in respect of damage to his unit shall not be liable to be brought into contribution with any other policy of insurance save another policy authorised by this section and taken out in respect of damage to the same unit.

(6) This section shall apply notwithstanding the provisions of any other law relating to insurance that may from time to time be in force in Anguilla.

Destruction of or damage to the building

28. (1) Where a building is destroyed—

- (a) the strata lot corporation in question shall forthwith lodge with the Registrar, in the prescribed form, a notification of such destruction;
- (b) upon receipt of any such notification the Registrar shall, in the prescribed form, record the fact in the registers relating to the parcel and to the strata lots; and
- (c) the strata lot corporation shall hold the parcel in trust for all its members in shares proportional to their respective unit entitlements.

(2) For the purposes of this Act, a building is destroyed—

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

(3) In any case where a declaration has been made pursuant to paragraph (2)(b), the Court may by order impose such conditions and give such directions for the payment of money as it thinks fit for the purpose of adjusting, as between the strata lot corporation and the members and amongst the members themselves, the effect of the declaration.

(4) An application for a declaration under paragraph (2)(b) may be made to the Court by a strata lot corporation or by any member thereof or by a chargee of a strata lot in the parcel in question.

(5) On any application to the Court for a declaration under paragraph (2)(b), any insurer who has effected insurance on the building in question or on any part thereof, being insurance against destruction of strata lots or damage to the building, shall have the right to appear in person or by attorney.