

ANGUILLA

# REVISED STATUTES OF ANGUILLA

## CHAPTER C80

# CONDOMINIUM ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 3/2015 in force 20 August 2015

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# CONDOMINIUM ACT

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# CONDOMINIUM ACT

PART 1

PRELIMINARY

## Interpretation

**1.** In this Act—

"building" means a structure or structures containing one or more strata lots and comprising a part of the property that is or is to be included in a Declaration;
*(Act 3/2015, s. 4(a))*

"by-laws" means—

(a) the relevant by-laws that regulate the operation of a property; or

(b) the provisions of the by-laws of a company incorporated, continued or registered under the Companies Act* to the extent that they relate to the operation of that property;

"charge" has the meaning ascribed thereto by section 1 of the Registered Land Act;
*(Act 3/2015, s. 4(b))*

"common expenses" means—

(a) all sums lawfully levied against strata lot owners by the strata lot corporation;
*(Act 3/2015, s. 3(f))*

(b) the expenses of the operation of the property;

(c) expenses declared to be common expenses by the provisions of this Act, by the Declaration or by the by-laws; and

(d) other expenses agreed upon as common expenses by the strata lot corporation;

"common property" means so much of the property that, upon the recording of a Declaration, is not contained within the boundaries of any strata lot;
*(Act 3/2015, s. 3(f))*

"Court" means the High Court;

"Declaration" means the instrument by which property is subjected to the provisions of this Act and such instruments as may from time to time lawfully amend such Declaration;

"Land Register" has the meaning ascribed thereto by section 1 of the Registered Land Act;

* Business Companies Act, 2022 (Act 2/2022) *repealed* the Companies Act, R.S.A. c. C65.

"licensed surveyor" means a surveyor licensed under the Land Surveyors Act;
*(Act 3/2015, s. 4(c))*

"operation of the property" means the control, management and administration of the property and the maintenance, repair, replacement and improvement of the common property;

"parcel" means an area of land separately delineated on the Registry Map and given a number;

"prescribed form" shall be the form prescribed in accordance with regulations made under section 42;

"property" means land and interests appurtenant to the land which is or is to be included in the plan or Declaration;
*(Act 3/2015, s. 4(d))*

"register" has the meaning ascribed thereto in section 1 of the Registered Land Act;

"Registrar" means the Registrar of Lands appointed under section 6 of the Registered Land Act;

"Registry" means the Land Registry;

"Registry Map" means the map or series of maps referred to in section 14 of the Registered Land Act;

"relevant", in relation to a Declaration or by-laws, means the Declarations or the by-laws applicable to any property, building, strata lot or strata lot owner as the case may be;
*(Act 3/2015, s. 3(f))*

"special resolution" means a resolution of which at least 7 clear days prior notice in writing is given and which is passed at a duly convened general meeting of the strata lot corporation by a majority of not less than three-fourths of the total strata lot entitlement and not less than three-fourths of all the persons entitled to exercise the powers of voting conferred upon strata lot owners by or under this Act present personally or by proxy at the time of the passing of the resolution;
*(Act 3/2015, s. 3(f))*

"strata lot" means a horizontal or vertical division of a parcel which is designated on a registered strata plan as a strata lot, comprising the space enclosed by the boundaries and all the material parts of the land within the space at the time that the declaration and strata plans are registered, and includes—

(a) detached buildings, divisions or subdivisions of one or more buildings; or

(b) divisions or subdivisions of a parcel with or without a building thereon;
*(Act 3/2015, s. 4(e))*

"strata lot corporation" means a body corporate constituted in the manner provided for in section 18;

"strata lot entitlement" means the entitlement of any strata lot fixed in accordance with section 9(4) for the purposes mentioned in section 12(4);
*(Act 3/2015, s. 4(f))*

"strata lot owner" means—

(a) a proprietor with absolute title;

(b) leasehold proprietor; or

(c) any other person entitled by or under this Act to exercise any powers of a strata lot owner;

*(Act 3/2015, s. 4(f))*

"strata plan" means the plan referred to in section 6;

"unanimous resolution" means a resolution of which at least 14 clear days prior notice in writing is given and that is unanimously passed at a duly convened general meeting of the strata lot corporation at which all persons entitled to exercise the powers of voting conferred upon strata lot owners by or under this Act are present personally or by proxy at the time of the passing of the resolution;

*(Act 3/2015, s. 3(f) and 4(g)*

## PART 2

## STRATA LOTS

**Application of Act**

**2.** This Act applies only to property that is expressly made subject to the provisions of this Act by a Declaration in the manner hereinafter provided.

**Specified use of the Strata lot**

**3.** (1) Subject to section 4, the strata lot may be used for residential, dwelling or business purposes.

(2) In this section "business purposes" include office accommodation, shops and warehouses.

*(Act 3/2015, s. 5)*

**Permit for development**

**4.** (1) The Governor in Council may, upon the application of any proprietor, grant permission for the issue of a permit for the registration of a strata plan over a parcel of land being used or intended to be used wholly or partially as a tourism development.

(2) A permit issued under subsection (1) may contain such terms and conditions as the Governor in Council may think fit.

(3) The Governor in Council shall make regulations relating to the manner of the making and granting of an application under subsection (1).

(4) An application under subsection (1) is subject to section 6.

*(Act 3/2015, s. 5)*

**Authorised use**

**5.** Where the purpose for which a strata lot is intended to be used is shown expressly or by implication on or by the approved strata plan, the proprietor of such strata lot shall not use it or permit it to be used for any other purposes.

*(Act 3/2015, s. 5)*

**Creation of strata lots**

**6.** (1) Subject to this Act, the proprietor of a parcel upon which a building is or is to be constructed may apply to the Registrar, in the manner provided by or under this Act and prescribed under the Registered Land Act, for the registration of horizontal or vertical subdivisions of the parcel, to be known as strata lots, in accordance with a plan, to be known as a strata plan which shall accompany the application.

*(Act 3/2015, s. 6(a))*

(2) Every strata plan shall—

(a) state the full reference of a parcel and be described as a strata plan;

(b) delineate the boundaries of the parcel and the location of any building or buildings in relation thereto;

*(Act 3/2015, s. 6(b)(i))*

(c) include such elevations, sections, plans, diagrams and other information as shall be sufficient to—

(i) illustrate the strata lots and distinguish each lot by a number (but it is not necessary to show any bearings or dimensions of strata lots),

(ii) define the boundaries of each strata lot in any building or buildings by reference to floors, walls and ceilings (but it is not necessary to show any bearings or dimensions of strata lots),

*(Act 3/2015, s. 6(b)(ii)(A)))*

(iii) define the boundaries of each strata lot not contained within any building by reference to the survey markers and not by reference to the floors, walls or ceilings of a building, and

(iv) specify the approximate floor area or land area of each strata lot;

*(Act 3/2015, s. 6(b)(ii)(B)))*

(d) have endorsed upon it a schedule setting out the strata lot entitlement of each strata lot indicating as a whole number the proportion of the common property allocated to the strata lot;

*(Act 3/2015, s. 3(f))*

(e) have endorsed upon it the address at which documents may be served upon the strata lot corporation; and

(f) contain such other particulars and be accompanied by such certificates and other documents as may be prescribed by regulations made under section 42.

(3) The reference of the parcel and the number of the strata lot shall together be a sufficient reference to a strata lot.

(4) The common boundary between any two strata lots or between a strata lot and common property shall, unless otherwise specified in the relevant strata plan, be the centre line of the floor, wall, ceiling or boundary line between such strata lots or between such strata lot and the common property, as the case may be.

*(Act 3/2015, s. 6(c))*

(5) The strata lot entitlement of each strata lot shall, as respects the proprietor of such strata lot, determine—

(a) the quantum of his share in the relevant strata lot corporation; and

(b) the proportion payable by him or contributions levied pursuant to section 19(2).

*(Act 3/2015, s. 3(f))*

**Registration**

**7.** (1) If the Registrar is satisfied that the application is in order he shall—

(a) allocate a number to and file the strata plan and record the filing and the time and date thereof in a register that he shall keep for that purpose;

(b) open a new register in the Land Registry in respect of each strata lot shown on the strata plan in accordance with section 8 and note in the encumbrances section of each newly opened register that it is a parcel related to a strata plan; and

(c) in respect of the register relating to the parcel—

(i) record in the property section that the land comprised therein consists only of the common property,

(ii) in the proprietorship section delete the name of the proprietor, substitute the name of the strata lot corporation established under section 18 and enter a restriction prohibiting any dealing with the land otherwise than by order of the Court or of the Registrar, and

(iii) note in the encumbrances section that registers in respect of strata lots have been opened.

(2) To the extent specified in this section and section 8, the provisions of the Land Registration Act, are deemed to have been varied.

**Strata lot registers**

**8.** (1) The registers opened by the Registrar in accordance with section 7 in respect of each strata lot in a parcel shall record—

(a) all the particulars recorded in the property section of the register relating to the parcel in question and including the strata lot entitlement of the strata lot in question;

(b) the proprietor of the parcel as the first proprietor of the strata lot; and

(c) the encumbrances noted in the encumbrances section of the register relating to the parcel;

but, if the Registrar is satisfied that any of such particulars or encumbrances do not apply to the strata lot, he shall omit them from the register relating to the strata lot and record the reason for his decision.

(2) A strata lot is deemed for the purposes of this Act—

(a) to be land; and

(b) to be a parcel.

*(Act 3/2015, s. 7)*

**Contents of Declaration**

**9.** (1) A Declaration for the purposes of this Act shall comprise an instrument (which may be in several parts and have annexed thereto such drawings, plans and schedules as may be deemed necessary or convenient) duly executed by the person or persons having the legal, equitable or leasehold title absolute to the property to which the Declaration relates and shall contain the following particulars—

(a) a statement of the interests that the person or persons executing the instruments have in the property and his or their intention by virtue of the Declaration to subject the property to which it relates to the provisions of this Act;

*(Act 3/2015, s. 8(a)(i))*

(b) a description of the property sufficient to identify it and its location precisely;

(c) a description of any building or buildings including its or their location in relation to the property, the number of storeys, basements, cellars and strata lots and the principal materials of which it is or is to be constructed;

*(Act 3/2015, s. 8(a)(ii))*

(d) the distinguishing number or other symbol, the location, approximate floor area, limits, boundaries and any other data necessary for the proper identification of each strata lot;

(e) the drawings and plans of any building or buildings in accordance with section 10;

*(Act 3/2015, s. 8(a)(iii))*

(f) a statement of the covenants, conditions and restrictions covering the use, occupancy and transfer of the several strata lots;

(g) a schedule prescribing the strata lot entitlement of each strata lot on a basis prescribed by subsection (4);

(h) a description of the common property;

(i) the style and title of the strata lot corporation referred to in section 18 and, if it is a company registered under the Companies Act†, a copy of its articles of incorporation and by-laws;

(j) the by-laws applicable to the property;

(k) any other matters (not inconsistent with the provisions of this Act) in connection with the property that the person or persons executing the Declaration may deem desirable to be prescribed;

(l) the methods consistent with this Act to be observed and the conditions to be fulfilled for the amendment of the Declaration by the strata lot owners.

(2) No Declaration or any amendment thereof shall be valid or in any way affect the property to which it relates unless and until it is lodged for record in the Registry.

(3) Wherever it is practicable, the limits and boundaries of each strata lot in any building or buildings shall be defined by reference to floors, walls and ceilings and, unless the Declaration otherwise provides, the common boundary of any strata lot with another strata lot or with the common property shall be the centre of the floor, wall or ceiling or boundary line.

*(Act 3/2015, s. 8(b)(i))*

(4) Unless otherwise declared in the Declaration, the strata lot entitlement of a strata lot shall be expressed in the Declaration as a fraction or percentage and shall be fixed either—

(a) as the approximate proportion that the estimated value of the strata lot at the date of the Declaration bears to the then aggregate estimated value of all the strata lots taken together; or

*(Act 3/2015, s. 8(c)(i))*

(b) as the approximate proportion that the floor area or land area of the strata lot at the date of the Declaration bears to the then aggregate floor area or land area of all the strata lots taken together;

*(Act 3/2015, s. 8(c)(ii))*

but the proportion shall reflect any substantially exclusive advantages that may be enjoyed by one or more strata lot owners but not all strata lot owners in a part or parts of the common property.

*(Act 3/2015, s. 3(f))*

**Drawings and plans**

**10.** (1) With every Declaration there shall be a complete set of drawings and plans of each floor, basement and cellar of the relevant building or buildings showing the layout, locations, designations and approximate dimensions of the strata lots which shall be accompanied by a certificate of a licensed surveyor practicing in Anguilla, certifying that the drawings and plans are accurate copies of the drawings and plans of the building or buildings as approved by such proper authority as has power to approve plans for the construction of buildings.

*(Act 3/2015, s. 9)*

† Business Companies Act, 2022 (Act 2/2022) *repealed* the Companies Act, R.S.A. c. C65.

(2) The certificate referred to in subsection (1) shall also include a statement that the drawings and plans accurately depict the buildings as erected and completed unless at the date of the recording of the Declaration the building is not complete in which event a statement shall be lodged for record in the Registry upon the completion of the building and before the first transfer of any strata lot in the building under this Act.

*(Act 3/2015, s. 3(d) and (f))*

**Effect of registration of Declaration**

**11.** (1) Upon the lodgement for recording of a Declaration under section 9, the property to which the Declaration relates shall thereupon be deemed to be divided in such number of separate parcels of land (in this Act defined as "strata lots") each having such limits and boundaries as are described in the Declaration and the parts of the property not included within the limits and boundaries of strata lots are deemed to be common property for the purposes of this Act which shall be held in undivided shares by all the strata lot owners in accordance with section 12(1).

*(Act 3/2015, s. 3(f))*

(2) Where before the first transfer of any strata lot there is in being any charge affecting that strata lot, then either—

(a) before the making of the first transfer—

(i) every charge shall be paid and satisfied, or

(ii) the strata lot shall be released from the charge by a valid instrument of release duly lodged for record in the Registry; or

*(Act 3/2015, s. 3(a)) (Act 3/2015, s. 3(d))*

(b) upon the making of the first transfer the chargee shall join therein and, if any first transfer of a strata lot is made without the provisions of this subsection having been complied with, then the transfer shall be void and of no effect.

*(Act 3/2015, s. 3(b)) (Act 3/2015, s. 3(d))*

(3) Subject to the other provisions of this Act, each strata lot together with the undivided share in the common property held therewith shall for all purposes constitute absolute title to land that may devolve or be transferred, leased, mortgaged or otherwise dealt with in the same manner and form as land.

*(Act 3/2015, s. 3(e), s. 10)*

(4) When recorded, a Declaration shall be binding on all owners of strata lots in the building to which the Declaration relates and shall constitute constructive notice to subsequent purchasers and all other persons.

*(Act 3/2015, s. 3(f))*

**Incidents of strata lot ownership**

**12.** (1) The undivided share of each strata lot owner in the common property shall be in the same proportion as his strata lot entitlement and shall be held as a proprietor in common with all other persons who are for the time being strata lot owners in the building to which the Declaration relates.

*(Act 3/2015, s. 11)*

(2) No share in the common property shall be disposed of except as appurtenant to the strata lot to which it relates and any assurance of a strata lot shall operate to assure the share of the disposing party in the common property without express reference thereto.

(3) Except as is otherwise provided by section 36, no strata lot owner or any other person shall be entitled to bring any action for partition or the division of any part of or interest in the common property.

(4) The strata lot entitlement of any strata lot shall determine the quantum of the undivided share in the common property appertaining to each strata lot and, unless the Declaration or the by-laws otherwise provide—

(a) the voting rights of the strata lot owner; and

(b) the proportion of the common expenses payable from time to time as contributions by each strata lot owner.

(5) The strata lot entitlement shall have a permanent character and shall not be varied unless all the strata lot owners affected consent thereto, their consent being given in the manner prescribed by the relevant Declaration.

(6) No strata lot owner shall be entitled to subdivide his strata lot unless the Declaration otherwise provides.

(7) No right to dower shall accrue from the ownership in fee simple of any strata lot under the provisions of this Act or of the share in the common property appertaining to the strata lot.

*(Act 3/2015, s. 3(f))*

**Contents of certificate of strata lot**

**13.** Every certificate relating to a strata lot executed after the date of the recording of the Declaration shall include the following particulars—

(a) a description of the property including the volume and page wherein the Declaration is recorded in the Registry;

*(Act 3/2015, s. 12)*

(b) the strata lot number or symbol of the strata lot and any other data necessary for its proper identification;

(c) a statement regarding the user of the strata lot and any covenants, conditions and restrictions relating thereto;

(d) the strata lot entitlement; and

(e) any further details which the grantor or grantee may deem desirable to set forth consistent with the Declaration and this Act.

*(Act 3/2015, s. 3(f))*

**Support**

**14.** In respect of each strata lot there shall be implied—

(a) in favour of the owner of a strata lot and its appurtenances, an easement for the subjacent and lateral support thereof by the common property and by every other strata lot capable of affording support; and

(b) against the owner of a strata lot and to which the strata lot shall be subject, an easement for the subjacent and lateral support of the common property and of every other strata lot capable of enjoying support.

*(Act 3/2015, s. 3(f))*

**Shelter**

**15.** (1) Every strata lot owner shall be entitled to have his strata lot sheltered by all such parts of any building or buildings as are capable of affording shelter.

*(Act 3/2015, s. 3(f), s. 13)*

(2) The right created by this section shall be an easement to which all such of the parts as are capable of affording shelter shall be subject.

(3) The easement for shelter created by this section shall entitle the owner of the dominant tenement to enter on the servient tenements to replace, renew or restore any shelter but, except in the case of emergency, a person shall not exercise the right conferred by this subsection until after due notice to the owner of the servient tenement and at reasonable times during the hours of daylight.

**Services**

**16.** In respect of each strata lot there shall be implied—

(a) in favour of the owner of a strata lot and its appurtenances, easements for the passage or provision of water, sewage, drainage, gas, electricity, garbage, artificially heated or cooled air and other services (including telephone, radio, television and cable television services) through or by means of any pipes, wires, cables or ducts for the time being existing in the property to the extent to which those pipes, wires, cables or ducts are capable of being used in connection with the enjoyment of such strata lot; and

(b) against the owner of a strata lot and to which the same shall be subject, easements for the passage of provision of water, sewage, drainage, gas, electricity, garbage, artificially heated or cooled air and other services (including telephone, radio, television and cable television services) through or by means of any pipes, wires, cables or ducts for the time being existing within the strata lot as appurtenant to the common property and also to every other strata lot capable of enjoying such easements.

*(Act 3/2015, s. 3(f))*

**Ancillary rights**

**17.** All ancillary rights and obligations reasonably necessary to make easements effective apply in respect of any easement implied or created by this Act.

**Operation of the property by a strata lot corporation**

**18.** (1) The operation of the property shall be vested in a body corporate constituted in the manner provided by this section and the body corporate shall have the powers and duties—

(a) prescribed by this Act;

(b) contained in the by-laws specified in the Schedule; and

(c) contained in any by-laws which have been adopted by the strata lot corporation.

*(Act 3/2015, s. 14(a))*

(2) Where a company has been incorporated under the Business Companies Act to operate a property to which a Declaration relates and provision is made for every owner for the time being of a strata lot in the property to be by that fact a member of the company as of right, the company is, if the Declaration so provides, deemed to be a body corporate for the purposes of this Act. In any case, from the date of the recording of a Declaration, all the owners from time to time of the strata lots in the property to which the Declaration relates constitute a body corporate by virtue of this Act under such style and title as is prescribed in the Declaration, which body corporate is hereinafter in this Act called a "strata lot corporation".

(3) A strata lot corporation constituted under this Act shall be a non-profit making body with perpetual succession and a common seal, shall be capable of suing and being sued in its corporate name and shall have powers and duties—

(a) prescribed by this Act;

(b) contained in the by-laws specified in the Schedule; or

(c) contained in any by-laws which have been adopted by the strata lot corporation.

*(Act 3/2015, s. 14(b))*

(4) In particular the strata lot corporation may—

(a) sue and be sued on any contract made by it;

(b) sue any person for and in respect of any damage or injury to the common property whether or not the person sued is a strata lot owner; and

(c) sue in respect of any matter connected with the property for which the strata lot owners are jointly liable.

*(Act 3/2015, s. 3(f))*

**Duties and powers of the strata lot corporation**

**19.** (1) The duties of the strata lot corporation shall include the following—

(a) to operate the property for the benefit of all strata lot owners and to be responsible for the enforcement of the by-laws;

(b) to keep the common property in a state of good and serviceable repair;

(c) to insure and keep insured the building (in respect of which the strata lot corporation is deemed to have an insurable interest) to the replacement value thereof against fire, hurricane, earthquake and seawave unless the strata lot owners by unanimous resolution otherwise decide;

(d) to insure against such other risks as the strata lot owners may by special resolution determine, for which purpose the strata lot corporation is deemed to have an insurable interest;

(e) to comply with notices or orders issued by any competent public authority requiring repairs to or work to be done in respect of the property or the building;

(f) to carry out the directions of the strata lot owners expressed by resolution or otherwise as may be prescribed by the Declaration or the by-laws;

*(Act 3/2015, s. 3(f))*

(g) to carry out any other duties that may be prescribed by the Declaration or the by-laws.

(2) The powers of the strata lot corporation shall include the following—

(a) to establish funds for administrative expenses sufficient in the opinion of the strata lot corporation for the operation of the property, for the payment of any premiums of insurance, for the establishment of reserves for capital improvements or renewals or for any other obligations of the strata lot corporation;

(b) to determine from time to time amounts of money to be raised for the purposes aforesaid;

(c) to establish a fund for payment of common expenses to which fund the strata lot owners shall contribute in proportions specified in the Declarations;

*(Act 3/2015, s. 15)*

(d) to recover from any strata lot owner any sum of money expended by the strata lot corporation for repairs or work done by it or at its direction in complying with any notice or order issued by a competent public authority in respect of any part of the property comprising the strata lot of any strata lot owner;

*(Act 3/2015, s. 3(f))*

(e) to employ such staff as may be deemed necessary to carry out its duties;

(f) to receive the proceeds of any insurance taken out by the strata lot corporation against the loss or damage of the building in trust for the strata lot owners in proportion to their respective interests and, subject to section 36, to apply the same or the repair or reconstruction of the building;

*(Act 3/2015, s. 3(f))*

(g) to exercise any other powers which may be conferred upon the strata lot corporation by the Declaration or the by-laws.

(3) All agreements, decisions and determinations lawfully made by the strata lot corporation in accordance with this Act, the Declaration and by-laws shall be binding on all strata lot owners.

*(Act 3/2015, s. 3(f))*

**Contents of by-laws**

**20.** (1) Subject to the other provisions of this Act, the by-laws shall among other things provide for the following matters—

(a) the nomination and election of a board of management;

(b) the method of removal from office of members of the board of a management;

(c) the powers and duties of the board of management;

(d) the method of calling meetings of strata lot owners;

*(Act 3/2015, s. 3(f))*

(e) the fixing of a quorum;

(f) the percentage of votes, consistent with the provisions of this Act, that shall be necessary to adopt decisions binding on all strata lot owners;

*(Act 3/2015, s. 3(f))*

(g) the operation of the property and use of the common property;

*(Act 3/2015, s. 16)*

(h) the determination and collection of common expenses.

(2) The by-laws may among other things provide for the formulation and enforcement of such restrictions on and requirements respecting the use and maintenance of strata lots and the use of all common property, not set forth in the Declaration, as are designed to prevent unreasonable interference with the use of their respective strata lots and of the common property by the several strata lot owners.

*(Act 3/2015, s. 3(f))*

(3) By-laws shall not be added to, amended or repealed except by special resolution and any addition, amendment or repeal shall not come into operation unless and until lodged for record in the Registry as an amendment of the Declaration.

(4) Save as may otherwise be specifically provided by the by-laws contained in a Declaration, the by-laws set out in the Schedule shall be in force as regards the property to which a Declaration relates.

**Voting rights**

**21.** (1) Any powers of voting conferred by or under this Act contained in the by-laws specified in the Schedule, or in the by-laws of the strata lot corporation, may be exercised—

(a) in the case of a strata lot owner who is an infant, by his guardian; and

*(Act 3/2015, s. 17)*

(b) in the case of a strata lot owner who is for any reason unable to control his property, by the person for the time being authorised by law to control that property.

(2) Where on the application of the strata lot corporation or any strata lot owner the Court is satisfied that there is no person able or that no person can be traced who is able to vote in respect of a strata lot, the Court—

(a) shall, in cases where a unanimous resolution is required by or under this Act; and

(b) may, in its discretion, in any other case;

appoint the Registrar of the Court or any other fit and proper person for the purposes of exercising such powers of voting under this Act as the Court shall determine.

(3) Where a strata lot is subject to a charge that has been recorded in the Land Register and notice in writing thereof has been given to the strata lot corporation, the power of voting conferred upon the strata lot owner of that strata lot by or under this Act may be exercised by the chargee first in priority and shall not be exercised by the strata lot owner unless the chargee has by notice in writing to the strata lot corporation waived the right conferred on him by this subsection. The chargee may at any time by further notice in writing to the strata lot corporation revoke the waiver of his right under this subsection.

*(Act 3/2015, s. 3(c) and (f))*

**Accounts**

**22.** (1) The strata lot corporation shall keep detailed and accurate records in chronological order of the receipts and expenditures arising from the operation of the property. Records and any vouchers authorising any payments shall be available for inspection by any strata lot owner at all reasonable times.

*(Act 3/2015, s. 3(f))*

(2) Annual accounts duly audited by a qualified auditor shall be rendered by the strata lot corporation to all strata lot owners at least once in every 12 month period.

*(Act 3/2015, s. 3(f))*

**Recovery of contributions**

**23.** (1) Any contribution levied by the strata lot corporation on any strata lot owner shall be due and payable by the strata lot owner 7 clear days after the service of a notice in writing of the levying of the contribution.

*(Act 3/2015, s. 3(f))*

(2) Any contribution that has not been paid by a strata lot owner upon its becoming due may be recovered as a debt by the strata lot corporation by action in a court of competent jurisdiction and action shall be maintainable without prejudice to the rights conferred upon the strata lot corporation by section 26.

*(Act 3/2015, s. 3(f))*

(3) A strata lot owner shall not have power to exempt himself from his liability to make contributions to the strata lot corporation by waiver of the use or enjoyment of any of the common property or by the abandonment of his strata lot.

*(Act 3/2015, s. 3(f))*

**Liability of strata lot owner**

**24.** A strata lot owner shall have no personal liability for the acts or omissions of the strata lot corporation and his liability for the common expenses shall be limited to the amounts of the contributions from time to time levied upon him.

*(Act 3/2015, s. 3(f))*

**Joint and several liability of grantor or grantee for unpaid contributions**

**25.** (1) Upon the execution of any transfer of a strata lot, the grantee shall be jointly and severally liable with the grantor for all unpaid contributions due by the latter to the strata lot corporation up to the date of the transfer without prejudice to the grantee's right to recover from the grantor any amounts paid by the grantee therefor.

(2) For the purposes of this section, the strata lot corporation shall be bound on the application of any strata lot owner or any person authorised in writing by him to certify—

(a) the amount of any contribution that on the date of the certificate is due and payable by the strata lot owner;

(b) the time within which the contribution is payable; and

(c) the extent (if any) to which any contribution has been paid by the strata lot owner;

and that certificate shall be conclusive in favour of the person.

*(Act 3/2015, s. 3(d) and (f))*

**Charge on the strata lot**

**26.** (1) Any unpaid contribution due from the owner of any strata lot with interest thereon at such rate as may be prescribed by by-law shall constitute a charge upon the strata lot with effect from the date on which the contribution became payable.

(2) The charge on a strata lot in pursuance of subsection (1) shall not become effective unless and until a notice in writing under the common seal of the strata lot corporation is lodged for record in the Land Register, stating—

(a) the name of the strata lot corporation and the address of the property;

(b) the volume and page of the record of the relevant Declaration;

(c) the name of the owner of the strata lot and the strata lot designation; and

(d) the amount due and the date on which it was payable.

(3) The charge shall continue in force until all sums secured thereby with interest thereon have been fully paid or until the expiration of 6 years from the date on which the contribution was levied, or the last payment, if any, on account of the contribution was made, whichever first occurs. Upon the payment, the strata lot owner shall be entitled on demand made to the strata lot corporation to a certificate under its common seal that the amount due has been paid and on lodging the certificate for record at the Registry, the charge shall thereupon be satisfied.

(4) The strata lot corporation shall have the same powers of sale for the purposes of enforcing the charge created by subsection (1) as a chargee under the Registered Land Act.

*(Act 3/2015, s. 3(c) and (f))*

**Disposal of interest in common property**

**27.** (1) The owners of all strata lots may, by unanimous resolution at a meeting convened by the strata lot corporation for the purpose, direct the strata lot corporation—

(a) to transfer or lease on their behalf common property or any part thereof;

(b) to execute on their behalf a grant of easement or restrictive covenant burdening the property; and

(c) to accept on their behalf a grant of easement or a covenant benefiting the property.

*(Act 3/2015, s. 3(d) and (f))*

(2) If the strata lot corporation is satisfied that such resolution as is specified in subsection (1) has been duly passed and that all parties having an interest in the property of which the strata lot corporation has notice have consented in writing to the release of their interests in respect of the land in the proposed transfer, lease or convenant, the strata lot corporation shall execute the appropriate transfer, lease or convenant, and the transfer, lease or covenant shall be valid and effective without execution by any person having an interest in the property or the common property, and the receipt of the strata lot corporation for any purchase money, rent, premium or any other money payable shall be a sufficient discharge and shall exonerate all persons taking under the transfer, lease or covenant, as the case may be, from any responsibility for the application of the money expressed to have been so received.

*(Act 3/2015, s. 3(d))*

(3) Any transfer, lease or covenant lodged for record in the Registry shall be endorsed with or accompanied by a certificate under the seal of the strata lot corporation that the resolution was duly passed and that the transfer, lease or covenant conforms with the terms thereof and that all necessary consents were given and in favour of purchasers or any other persons dealing with the strata lot corporation pursuant to this section. The certificate shall be conclusive evidence of the facts stated therein.

*(Act 3/2015, s. 3(d))*

(4) The Registrar, in addition to any other action which he takes under the Registered Land Act, shall cause the record of any instrument executed under the provisions of this section to be noted upon the Declaration relating to the property affected by the instrument.

**Compliance with by-laws, covenants, restrictions, etc.**

**28.** (1) Every strata lot owner, his tenants, the employees of owners and tenants and any other person who in any manner uses the property shall be subject to and shall comply with any by-laws in force relating to the orderly conduct and proper use of the property.

(2) Every strata lot owner and any person deriving any interest in the strata lot or the common property appertaining thereto from the strata lot owner shall strictly comply with the covenants, conditions and restrictions set forth in the relevant Declaration or by-laws or in any Land Register relating to the strata lot and all covenants, conditions and restrictions shall run with and bind the land.

*(Act 3/2015, s. 18)*

(3) Action to enforce the provisions of this section shall be maintainable by the strata lot corporation acting on behalf of the strata lot owners or by an aggrieved strata lot owner.

(4) In any action arising from the breach by any person of the by-laws, covenants, conditions or restrictions, the Court may, in addition to giving equitable relief by way of an injunction or otherwise, award damages against the person or empower the strata lot corporation to take such steps to remedy the breach as the Court thinks just and to recover any expenses so incurred from the person. In case of flagrant or repeated failure by any person to comply with the requirements of this section, the Court may order the person to give sufficient security with or without surety or sureties for his future compliance with the by-laws, covenants, conditions or restrictions, as the case may be.

*(Act 3/2015, s. 3(f))*

**Insurance**

**29.** (1) Where the strata lot corporation insures the building under section 19(1)(c), the following provisions of this section apply notwithstanding any other law relating to insurance for the time being in force.

(2) The strata lot corporation shall give written notice of any insurance effected by it on the building and any change therein or termination thereof to each strata lot owner and on the written request of any strata lot owner or chargee of a strata lot shall produce for inspection by the owner or chargee or any person authorised in writing by the owner or chargee the policy or policies of insurance effected by the strata lot corporation and the receipt or receipts for the last premium or premiums paid in respect thereof.

*(Act 3/2015, s. 3(c) and (f))*

(3) The policy of insurance taken out by the strata lot corporation in respect of the building shall not be liable to be brought into contribution with any other policy of insurance save another policy authorised under section 19(1)(c) or (d) in respect of the same building.

**Powers of strata lot owners to insure**

**30.** (1) Where a building is insured to its replacement value, a strata lot owner may effect a policy of insurance in respect of any damage to his strata lot in a sum equal to the amount secured, at the date of any loss referred to in the policy, by any charges attached to his strata lot.

(2) Where any policy of insurance is in force—

(a) payment shall be made by the insurer under the policy to the chargees whose interests are noted thereon in order of their respective priorities, subject to the terms and conditions of the policy;

(b) subject to the terms and conditions of the policy, the insurer shall be liable to pay thereunder—

(i) the value stated in the policy,

(ii) the amount of the loss, or

(iii) the amount sufficient at the date of the loss to discharge any charges attached to the strata lot,

whichever is the least amount;

(c) where the amount paid by the insurer equals the amount necessary to discharge a charge attached to the strata lot, the insurer shall be entitled to an assignment of that charge; and

(d) where the amount so paid by the insurer is less than the amount necessary to discharge a charge attached to the strata lot, the insurer shall be entitled to a sub-charge of the charge to secure the amount so paid on terms and conditions agreed upon as provided in subsection (3) or, failing agreement, on the same terms and conditions as those contained in the charge made by the strata lot owner.

*(Act 3/2015, s. 3(c) and (f) and s. 27)*

(3) Where a building is uninsured, or has been insured to less than its replacement value, a strata lot owner may—

(a) effect a policy of insurance in respect of any damage to his strata lot in a sum equal to the replacement value of his strata lot less a sum representing the amount to which his strata lot is insured under any policy of insurance effected on the building; and

(b) notwithstanding any existing policies, effect a policy of insurance in respect of any damage to his strata lot in a sum equal to the amount secured, at the date of any loss referred to in the last-mentioned policy, by any charges attached to his strata lot, and subsections (2)(a), (b), (c) and (d) apply in respect of any payment pursuant to the last-mentioned policy.

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

*(Act 3/2015, s. 3(c) and (f) and s. 27(a))*

(5) For the purposes of subsections (2)(d) and (2)(b), any insurer and any chargee or chargees may at any time, whether before or after a policy of insurance has been effected by a strata lot owner, agree upon the terms and conditions of the sub-charge.

*(Act 3/2015, s. 3(c) and (f) and 27)*

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

*(Act 3/2015, s. 3(f))*

(7) Any policy of insurance authorised by this section and taken out by a strata lot owner in respect of damage to his strata lot 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 strata lot.

*(Act 3/2015, s. 3(f))*

(8) 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**

**31.** (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 strata lot entitlements.

*(Act 3/2015, s. 3(f))*

(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.

(6) The Court may, on the application of a strata lot corporation or of any member thereof or of its administrator, by order make provision for the winding up of the affairs of such strata lot corporation and may, by the same or a subsequent order, declare the strata lot corporation dissolved as on and from a date specified in the order.

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

(8) The Court may from time to time vary any order made by it under subsection (3) or (7).

(9) Subject to any directions of the Court made in pursuance of this section, it shall be the duty of the strata lot corporation promptly to repair or reconstruct the building where it has sustained damage that—

(a) renders less than 75% of the accommodation in the building unfit for occupation; or

(b) is in excess of that prescribed by paragraph (a) and within 60 days of the event causing the damage 90% or more in number of the strata lot owners have resolved that the building shall be reconstructed.

*(Act 3/2015, s. 3(f))*

(10) The proceeds of insurance, if any, shall be used for the purpose of the repair or reconstruction of the building under this section and any deficiency shall constitute common expenses within the meaning of this Act.

(11) Where under subsection (1) it becomes the duty of a strata lot corporation to repair or reconstruct the building, the strata lot corporation shall without undue delay draw up a scheme for the purpose and if the scheme, either in its original or amended form, is approved by special resolution, it shall be binding on the strata lot corporation and all strata lot owners. Where a scheme is not approved, it shall be the duty of the strata lot corporation to file a scheme in the Court which Court may, after hearing any objections on behalf of individual strata lot owners, settle a scheme which having regard to the rights and interests of strata lot owners generally appears just and equitable for the repair or reconstruction of a damaged building under this section. The scheme may include provisions for—

(a) permitting any strata lot owner whose strata lot has been damaged and who does not agree to participate in the scheme to transfer his strata lot and his interests in the common property to the other strata lot owners on the payment of such compensation as the Court thinks just;

(b) the reinstatement of part only of the building; and

(c) the transfer of the interests of some strata lot owners to other strata lot owners in proportion to their strata lot entitlement.

*(Act 3/2015, s. 3(d) and (f))*

(12) In the exercise of its powers under subsection (3), the Court may make such orders as it deems necessary or expedient for giving effect to the scheme including orders—

(a) directing how insurance money received in respect of damage to the building shall be applied;

(b) directing such consequential amendments of the Declaration and by-laws relating to the building as the Court deems necessary; and

(c) imposing such terms and conditions as it thinks fit.

(13) Where an application to the Court is made under this section, any insurer who has effected insurance on the building or any part thereof (being insurance against damage to the building) shall have the right to appear in person or by counsel.

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

**Appointment of an administrator of property**

**32.** (1) The strata lot corporation or any judgment creditor of the strata lot corporation or any person having an interest in any strata lot may apply to the Court for the appointment of one or more administrators for the operation of the property.

*(Act 3/2015, s. 3(f))*

(2) The Court may in its discretion, on cause shown, appoint such administrators for an indefinite or a fixed period on such terms and conditions as to remuneration or otherwise as the Court thinks fit. The remuneration and expenses of administration shall form part of the common expenses within the meaning of this Act.

(3) The administrator or administrators shall to the exclusion of the strata lot corporation have the powers and duties of the strata lot corporation or such of those powers and duties as the Court shall order and the administrator or administrators may delegate any of the powers so vested in him or them as the case may be.

(4) The Court may in its discretion, on the application of an administrator or any person referred to in subsection (1), remove or replace any administrator.

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

**Copies of Declaration and by-laws to be open for inspection**

**33.** A strata lot corporation shall keep the true copies of the Declaration and by-laws and all amendments thereto and shall make copies available for inspection at convenient hours by any strata lot owner, chargee or other interested party or by any person duly authorised in writing by any of them.

*(Act 3/2015, s. 3(c)) (Act 3/2015, s. 3(f))*

**Service of documents on the strata lot corporation**

**34.** (1) Every strata lot corporation shall nominate a person to receive the service of summonses, notices or other processes, and the name and place of residence or business (which shall not be located more than 10 miles from the building for the operation of which the strata lot corporation is responsible) of the person shall—

(a) be exhibited on a notice board to be placed in a prominent position on or near the front of the building;

(b) be lodged for record at the Registry, in a register that the Registrar shall keep for that purpose; and

(c) be published in the *Gazette*.

(2) Unless the strata lot corporation maintains an office in the building, it shall cause to be provided and fixed at or near the front of the building a receptacle suitable for the purpose of

receiving articles by post and on the receptacle the name of the strata lot corporation shall be clearly designated.

(3) Any summons, notice or other process may be served on the strata lot corporation or the board of management thereof by post, enclosed in a prepaid registered wrapper addressed to such body corporate or board, as the case may be, at the address of the person nominated to receive the processes or by placing it in the receptacle referred to in subsection (2).

**Service of documents by the strata lot corporation**

**35.** (1) Every strata lot owner, chargee of a strata lot or other person having an interest in any strata lot shall register with the strata lot corporation an address for the service of notices upon him and, unless the person concerned resides permanently in the building, the address shall be one that is not within the building.

*(Act 3/2015, s. 3(c) and (f))*

(2) Any notice given under this Act by a strata lot corporation or board of management shall be sent by post in a prepaid registered wrapper addressed to the person for whom it is intended at the address registered by him with the strata lot corporation under subsection (1).

(3) When any notice is sent from Anguilla to an address outside of Anguilla, it shall be sent by prepaid registered air mail.

(4) Any notice sent by post in the manner prescribed by this section is deemed to be served on the person to whom it is addressed on the seventh clear day after the day on which the wrapper containing the notice is posted.

**Removal of property from the Act and proceedings for partition**

**36.** (1) A property to which a Declaration refers may be removed from the provisions of this Act by an order of the Court where, on the application of any interested party, the Court is satisfied that—

(a) strata lot owners have so resolved by a resolution passed by 90% or more in number of the strata lot owners and that all chargees of the strata lots have by instrument under seal either consented thereto or agreed that their several charges be transferred to the percentage of the undivided interest of the several strata lot owners in the property as hereinafter provided;

(b) the building has been destroyed or damaged and is not to be reconstructed or repaired in pursuance of section 31; or

(c) circumstances have arisen that having regard to the rights and interests of the strata lot owners as a whole it is just and equitable to remove the property from the provisions of this Act.

*(Act 3/2015, s. 3(c) and (f))*

(2) For the purposes of this section, an interested party is deemed to be the strata lot corporation, a strata lot owner or a chargee of a strata lot.

*(Act 3/2015, s. 3(c) and (f))*

(3) Upon the making of an order by the Court under this section, the property to which the order relates is deemed to be owned in common by all the strata lot owners and an undivided share in

the property shall accrue to each strata lot owner in the same proportion as the strata lot entitlement that an owner previously had in the common property.

*(Act 3/2015, s. 3(f))*

(4) Where an order has been made under subsection (1), a majority in number of the strata lot owners in the property may apply to the Court either—

(a) to apportion so much of the property as remains among the strata lot owners in proportion to their former strata lot entitlement and to direct the strata lot corporation to effect the necessary transfers of title; or

(b) to order that so much of the property as remains shall be sold and that the net proceeds of the sale together with the proceeds, if any, of insurance policies shall constitute one fund to be divided among all the strata lot owners in proportion to their respective strata lot entitlements, and the Court may, if it considers it is equitable and just to do so, proceed accordingly and make such orders and give such directions in respect thereof as the Court thinks fit.

*(Act 3/2015, s. 3(f))*

(5) Where an order has been made under subsection (1), the Court may appoint a liquidator and give directions for the winding up of the affairs of any strata lot corporation which has been constituted under this Act as if it were a company being wound up by the Court under the Companies Act‡. In any winding up, no strata lot owner shall be liable to contribute to the assets of the strata lot corporation a sum exceeding $150. By a subsequent order, the Court may declare the strata lot corporation to be dissolved from a date to be specified in the order.

*(Act 3/2015, s. 3(f))*

(6) In any proceedings under this section, the Court may make such order for the payment of costs as it thinks fit.

## PART 3

## PHASED DEVELOPMENT

**Interpretation**

**37.** In this Part—

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

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

‡ Business Companies Act, 2022 (Act 2/2022) *repealed* the Companies Act, R.S.A. c. C65.

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

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

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

**38.** Every person who applies to register subdivisions of land under this Act, may, in accordance with this Part, register those subdivisions in two or more phases.

**Procedure for subdivision in phases**

**39.** The subdivision of land so as to provide for strata lots in two or more phases is effected by the successive registration of—

(a) a proposed strata lot development plan, which specifies all the strata lots, and the whole of the common property, proposed to be included in the development when it is completed;

(b) one or more phase strata plans each of which specifies, in addition to satisfying the requirements of section 7—

(i) each part of any common property that has been completed, in relation to any building forming part of the development which has also been completed, and

(ii) any area (designated on the plan as a future development strata lot) in which further development subdivision and other operations are required to complete the development; and

(c) a complete strata plan.

**Proposed strata lot development plan**

**40**. (1) A proposed strata lot development plan shall not be registered unless it is accompanied by a phase strata plan in respect of the same development.

(2) When a proposed strata lot development plan has been registered, the proposed strata development shall not be further altered in any way, unless a further proposed strata lot development plan has been registered, incorporating the proposed changes, in accordance with subsections (3) and (4).

(3) The applicant for registration of a further proposed strata lot development plan must have obtained the unanimous consent—

(a) of every proprietor of a strata lot (including a future development strata lot) shown on the latest phase strata plan registered in respect of the development;

(b) of every other person who has a registered interest in any such strata lot; and

(c) of every cautioner claiming any interest in any such strata lot.

(4) The applicant for registration of the further proposed strata lot development plan must have assigned to every strata lot shown on the plan its strata lot entitlement.

**Phase strata plans**

**41.** (1) Every successive phase strata plan after the first, and the complete strata plan, relating to a development shall be deposited in substitution for, and under the same number as, the phase strata plan previously registered in respect of that development.

(2) On each phase strata plan (including the first), and on the complete strata plan, the strata lot entitlement to be assigned to each strata lot shall be that shown on the proposed strata lot development plan in respect of that strata lot.

*(Act 3/2015, s. 20)*

## PART 4

## MISCELLANEOUS[§]

**Regulations**

**42.** The Governor in Council may make regulations generally for the proper carrying out of the purposes and provisions of this Act and, in particular, but without prejudice to the generality of the foregoing, may make regulations—

(a) as to the manner and form of strata plans;

(b) providing for the amendment of filed strata plans;

(c) providing for cases where a building is damaged but is not destroyed;

(d) providing for the insurance of strata lots by the proprietors thereof;

(e) providing for the voting rights of chargees of strata lots; and

(f) requiring the payment of fees under this Act and prescribing or providing for the determination of their amount.

[§] *Part heading inserted and sections 42 to 45 moved from Part 3 to this Part in the 2022 Revision.*

**Rules of Court**

**43.** Provisions may be made by rules of Court as to the practice and procedure to be followed in relation to any application that may be made to the Court under this Act.

**Non-application of Hotels Aid Act**

**44.** A building and common property within the meaning of this Act shall not be interpreted or deemed to be a hotel so as to come within the meaning or application of the Hotels Aid Act.

**Offences and penalties**

**45.** If there is failure to comply with any provision of section 22, 31, 33 or 34(1), the strata lot corporation and every strata lot owner who is knowingly a party is guilty of an offence and is liable on summary conviction to a fine of $1000 and to imprisonment for 6 months.

*(Act 3/2015, s. 3(f))*

**Citation**

**46.** This Act may be cited as the Condominium Act, Revised Statutes of Anguilla, Chapter C80.

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**SCHEDULE**

(Section 20(4))

**BY-LAWS OF STRATA LOT CORPORATION**

**Board of the strata lot corporation**

**1.** (1) The powers and duties of the strata lot corporation shall, subject to any restriction imposed or direction given at a general meeting, be exercised and performed by the Board of the strata lot corporation (hereinafter referred to as the "Board").

(2) The Board shall consist of not less than three and not more than seven strata lot owners and shall be elected at each annual general meeting:

Provided that where there are not more than three strata lot owners, the Board shall consist of all strata lot owners.

*(Act 3/2015, s. 3(f))*

(3) Except where the Board consists of all the strata lot owners, the strata lot corporation may by resolution at an extraordinary general meeting remove any member of the Board before the expiration of his term of office and appoint another strata lot owner in his place to hold office until the next annual general meeting.

*(Act 3/2015, s. 3(f))*

(4) Any casual vacancy of office on the Board may be filled by another member of the Board.

(5) Except where there is only one strata lot owner, a quorum of the Board shall be two, where the Board consists of four or less members; three, where it consists of five or six members; and four, where it consists of seven members.

*(Act 3/2015, s. 3(f))*

(6) The Board may appoint persons who are strata lot owners, whether or not members of the Board, to hold such offices and to perform such functions as the Board may from time to time determine.

*(Act 3/2015, s. 3(f))*

**Meetings of the Board**

**2.** (1) At the commencement of each meeting the Board shall elect a chairman for the meeting, who shall have a casting as well as an original vote, and, if any chairman so elected shall vacate the chair during the course of a meeting, the Board shall choose another chairman who shall have the same rights of voting.

(2) At meetings of the Board all matters shall be determined by simple majority vote.

(3) All acts done in good faith by the Board shall, notwithstanding it be afterwards discovered that there was some defect in the appointment or continuance in office of any member of the Board or any technical irregularity in the Board's proceedings, be as valid as if the member had been duly appointed or had duly continued in office or as if the proceedings were regular.

**General meetings**

**3.** (1) A general meeting of strata lot owners shall, be held within three months after lodging the Declaration for record.

(2) 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.

(3) All general meetings other than the annual general meeting shall be called extraordinary general meetings.

(4) The Board may whenever it thinks fit and shall upon a requisition in writing made by strata lot owners entitled to twenty-five per centum of the total strata lot entitlement of the strata lots convene an extraordinary general meeting.

(5) Seven clear 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 the business shall be given to all strata lot owners and registered first chargees who have notified their interests to the strata lot corporation but accidental omission to give notice to any strata lot owner or to any registered first chargee or non-receipt of notice by any strata lot owner or registered first chargee shall not invalidate any proceedings at a meeting.

(6) Unless it is otherwise resolved by special resolution, all general meetings of the strata lot owners shall be held on the property.

*(Act 3/2015, s. 3(f))*

(7) Any resolution in writing in one or more parts signed by all strata lot owners shall be as valid and effectual as if it had been passed at a meeting of the members duly called and constituted.

*(Act 3/2015, s. 3(c) and (f))*

**Proceedings at general meetings**

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

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

(3) At the commencement of a general meeting, a chairman of the meeting shall be elected.

**Voting at general meeting**

**5.** (1) 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 strata lot owner present in person or by proxy. Unless a poll is so 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 the resolution. A demand for a poll may be withdrawn.

*(Act 3/2015, s. 3(f))*

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

(3) 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.

**Votes of strata lot owners**

**6.** (1) On a show of hands each strata lot owner shall have one vote; on a poll the votes of strata lot owners shall correspond with the strata lot entitlement of their respective strata lots.

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

(3) 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 strata lot owner.

(4) Except in cases where by or under this Act a unanimous resolution is required, no strata lot owner shall be entitled to vote at any general meeting unless all contributions payable in respect of his strata lot have been duly paid.

(5) Co-strata lot owners may vote by proxy jointly appointed by them, and in the absence of a proxy shall not be entitled to vote on a show of hands, except when the unanimous resolution of strata lot owners is required by this Act; but any co-strata lot owner may demand a poll. On any poll each co-strata lot owner shall be entitled to such part of the vote applicable to a strata lot as is proportionate to his interest in the strata lot. The joint proxy, if any, on the poll shall have a vote proportionate to the interests in the strata lot of such of the co-strata lot owners as do not vote personally or by individual proxy.

*(Act 3/2015, s. 3(f))*

**Further powers of strata lot corporation**

**7.** The strata lot corporation may—

(a) purchase, hire or otherwise acquire personal property for use by strata lot owners in connection with their enjoyment of common property;

*(Act 3/2015, s. 3(f))*

(b) borrow on a short term basis any moneys required by it in the performance of its duties or the exercise of its powers; and

(c) invest as it may determine any moneys in the fund for administrative expenses.

**Duties of a strata lot owner**

**8.** A strata lot owner shall—

(a) permit the strata lot corporation and its agents, at all reasonable times on notice (except in case of emergency when no notice shall be required), to enter his strata lot for the purpose of inspecting the same and maintaining, repairing or renewing pipes, wires, cables and ducts for the time being existing in the strata lot and capable of being used in connection with the enjoyment of any other strata lot or common property, or for the purpose of maintaining, repairing or renewing common property, or for the purpose of ensuring that these by-laws are being observed;

(b) forthwith carry out all work that may be ordered by any competent public authority in respect of his strata 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 strata lot;

(c) repair and maintain his strata lot and keep the same in a state of good repair, reasonable wear and tear, damage by fire, hurricane, seawave, *force majeure* or act of God excepted;

(d) use and enjoy the common property in such a manner as not unreasonably to interfere with the use and enjoyment thereof by other strata lot owners or their families, visitors or employees;

(e) not use his strata lot or permit the same to be in such manner or for such purpose as shall cause a nuisance or hazard to any occupier of a strata lot (whether a strata lot owner or not) or the family of an occupier; and

(f) notify the strata lot corporation forthwith upon any change of ownership or of any charge or other dealing in connection with his strata lot.

*(Act 3/2015, s. 3(c) and (f))*

**Common seal**

**9.** (1) The strata lot corporation shall have a common seal which shall at no time be used except by authority of the Board previously given and in the presence of the members of the Board or at least two members thereof, who shall sign every instrument to which the seal is affixed.

(2) Where, however, there is only one member of the strata lot corporation, his signature shall be sufficient for the purpose of this clause.

**Amendment of by-laws**

**10.** These by-laws may be amended by special resolution of the strata lot corporation and not otherwise.