ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

CONDOMINIUM ACT
R.S.A. c. C80

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.

Regulation	Citation	Page
CONDOMINIUM REGULATIONS	R.R.A. C80-1	3

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Revised Regulations of Anguilla: C80-1

CONDOMINIUM ACT (R.S.A. c. C80)

CONDOMINIUM REGULATIONS

Note: These Regulations are enabled under section 42 of the Condominium Act, R.S.A. c. C80.

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PART 1

INTRODUCTORY

Interpretation

1. In these Regulations—

"Act" means the Condominium Act;

"Form" means a Form set out in the Schedule.

PART 2

STRATA PLANS

Register of strata plans

2. The Registrar shall keep a register of strata plans and shall record therein particulars of all strata plans lodged in the Registry.

Requirements of strata plans

3. Every strata plan lodged with the Registrar for registration shall comply with the following requirements—

(a) it shall be prepared on the appropriate forms prescribed in the Schedule and issued by the Registrar unless the Registrar permits otherwise;

(b) it should comprise—

(i) a first sheet in the form prescribed as Form 1, (using annexes thereto where necessary) on which shall be set out the matters prescribed by sections 6(2)(a), (b) and (e) of the Act,

(ii) a further sheet in the form prescribed as Form 2, (using annexes thereto where necessary) on which shall be set out the matters prescribed by sections 6(2)(d) and (f) of the Act, and

(iii) further sheets in the form prescribed as Form 3, (using annexes thereto where necessary) on which shall be set out the matters prescribed by section 6(2)(c) of the Act;

(c) each further sheet of a strata plan shall be endorsed in the top right hand corner—

"Sheet (No.) ……of (total No.) ……sheets";

(d) the drawings required by section 10 of the Act shall be drawn with the north point upwards and parallel to the sides of the Form. It shall be drawn to a natural scale that will admit of all details and notations being clearly shown and such drawing shall show offsets in any case where part of the building is within 6 feet of a boundary of a parcel but no other dimensions shall be necessary. The external surface boundaries of the parcel shown in any such drawing shall, if the Registrar so requires, be defined by a precise survey No. on a survey to be carried out under the provisions of the Land Surveyors Act;

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(e) floor plans and elevations prepared for the purpose of section 6(2)(c) of the Act shall be drawn with the north point upwards and parallel to the sides of the Form and shall be of a size that will admit of all details and notations being clearly shown;

(f) the strata lots shall be numbered consecutively, commencing with strata lot 1 and terminating with a strata lot numbered to correspond to the total number of strata lots comprised in the strata plan. Different parts of a building that constitute a single strata lot shall bear the same strata lot number;

(g) printing, writing or drawing shall be clear and legible in black waterproof ink and shall not extend into any margin;

(h) alterations shall be made by striking through the matter intended to be rejected and not by rubbing, scraping, covering or cutting the surface of the paper.

Applications to indicate name, etc. of proprietor

4. Every application for registration of a strata plan shall indicate the name and postal address of the registered proprietor and of the party by whom the plan is lodged and shall be produced by hand to the Registrar accompanied by the prescribed fee and by the Land Certificate, if issued.

Mode of effecting registration

5. Registration of a strata plan shall be effected by notifying under the seal of the Registrar on the first sheet thereof the fact and date of such registration.

Powers of Registrar to renumber strata lots and correct errors, etc.

6. The Registrar, after such enquiry and notices, if any, as he may consider proper and upon the production of such evidence and the compliance with such requests, if any, as he may think necessary to require or make may—

(a) number or re-number any strata lots in a registered strata plan;

(b) supply omissions and correct patent errors in a registered strata plan; and

(c) amend a registered strata plan in such other manner as he may think proper.

Endorsement of interest affecting the strata plan

7. The Registrar shall endorse a land certificate issued for a strata lot in a strata plan with a notification that by virtue of the provisions of the Act, the proprietor holds his lot and his share in the common property subject to any interests affecting the same for the time being notified on the registered strata plan and subject to any amendments to strata lots or common property shown on the plan.

Form of certificate for surveyors, etc.

8. The certificates given pursuant to section 6(2)(f) of the Act shall be in or to the effect of Form 4 for the certificate of the licensed surveyor and Form 5 for the certificate of the Director of Physical Planning and, if endorsed on the strata plan, shall be endorsed in the appropriate places shown on Form 2.

Form of certificate of strata lot corporation resolutions

9. A certificate under the seal of the strata lot corporation given—

(a) pursuant to section 27(1)(a) of the Act shall be in the form or to the effect of Form 6; and

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(b) pursuant to section 24(1)(b) of the Act shall be in the form or to the effect of Form 7.

Form of notice of destruction

10. A notification of destruction of a building given by the strata lot corporation pursuant to section 31(1)(a) of the Act shall be in the form or to the effect of Form 8.

Registrar to endorse strata plan on receipt of notice of destruction

11. Upon receipt of a notice in or to the effect of Form 8, the Registrar shall endorse and sign on the relevant registered strata plan a notification of the destruction of the building and of the vesting of the parcel in the proprietors. The notification shall contain such particulars as appear to be necessary.

Form of notification of amendment, etc. of by-laws

12. A notification given by the strata lot corporation pursuant to section 20(3) of the Act shall be in, or to the effect of, Form 9.

Lodging of Court orders by administrator or corporation

13. (1) Any person appointed as administrator pursuant to section 32 of the Act may lodge with the Registrar a certified copy of the order of the Court making such appointment.

(2) The strata lot corporation may lodge with the Registrar a certified copy of any order made by the Court pursuant to section 36(1) of the Act.

(3) On receipt of any such certified copy, the Registrar shall note and sign on the relevant registers such particulars as appear to be necessary.

PART 3

TRANSFERS IN CERTAIN CASES

Registrar to enter notice of cancellation of transfer, etc.

14. Where a parcel has been transferred by the strata lot corporation after the building is destroyed, the Registrar—

(a) shall enter on the relevant registered strata plan a notification of the cancellation thereof; and

(b) shall indicate by appropriate charting upon any relevant plan that such registered strata plan has been cancelled.

Registrar to endorse notice of amendment of by-laws on strata plan

15. Upon receipt of a notification in or to the effect of Form 9, the Registrar shall endorse and sign on the relevant registered strata plan a memorial of such notification. The memorial shall contain such particulars as appear to be necessary.

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PART 4

INSURANCE BY PROPRIETORS

Proprietor may insure strata lot to value of charge

16. (1) Where a building is insured to its replacement value, a proprietor 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 such policy, by charges charged upon his strata lot.

(2) Where such policy of insurance is in force, then, subject to the terms and conditions of the policy, the insurer shall be liable to pay thereunder to the chargees whose interests are noted thereon in order of their respective priorities—

(a) the value stated in such policy;

(b) the amount of the loss; or

(c) the amount sufficient, at the date of the loss, to discharge charges charged upon the strata lot;

whichever is the less.

(3) Where the amount paid by an insurer in accordance with subsection (2) is sufficient to discharge a charge charged upon the strata lot, the insurer shall be entitled to a transfer of that charge.

(4) Where the amount paid by an insurer in accordance with subsection (2) is less than the amount necessary to discharge a charge charged upon the strata lot, the insurer shall be entitled to an assignment of an interest (to the extent of the amount paid by him) in such charge to secure the amount so paid on such terms and conditions, if any, as were agreed upon under subsection (7) or, failing agreement, on the same terms and conditions as those contained in the charge by the proprietor.

(5) Where a building is uninsured, or has been insured for less than its replacement value, a proprietor 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 any amount for 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 damage to his strata lot in a sum equal to the amount secured at the date of any loss referred to in such policy, by charges charged upon his lot, and the provisions of subsections (2), (3) and (4) shall apply in respect of any payment pursuant to such policy as they apply to a policy effected pursuant to subsection (1).

(6) For the purpose of subsection (5), the amount for 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 such policy by the unit entitlement of the strata lot holder and dividing the product so obtained by the sum of the unit entitlement of all strata lot holders.

(7) For the purpose of subsection (4) and of paragraph (5)(b), any insurer and charges or chargees 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 assignment of an interest.

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

(9) The policy of insurance authorised by this section and taken out by a proprietor 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.

PART 5

BUILDINGS DAMAGED BUT NOT DESTROYED

Powers of Court

17. (1) Where a building is damaged but is not destroyed within the meaning of section 31(9) of the Act, the Court may by order settle a scheme, including provisions—

(a) for the reinstatement of the building in whole or in part; and

(b) for transfer to the other proprietors in proportion to their unit entitlement of the interest of proprietors of strata lots which have been wholly or partially destroyed.

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

(a) directing the application of insurance money received by the strata lot corporation in respect of damage to the building;

(b) directing payment of money by the strata lot corporation or by some one or more of them;

(c) directing such amendment of the strata plan as the Court thinks fit, so as to include in the common property any alteration thereto; and

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

(3) For the purpose of this section an application may be made to the Court by the strata lot corporation or by a proprietor or a registered chargee of a strata lot.

(4) On any application to the Court under this section, any insurer who has insured the building or 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 counsel.

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

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PART 6

VOTING BY CHARGEE

Vote of proprietor to be exercised by chargee in certain cases

18. Where a proprietor's interest is subject to a registered charge or charges and the chargee has given written notice of his charge to the strata lot corporation, any power of voting conferred on a proprietor by or under the Act—

(a) shall not, in any case where a unanimous resolution is required, be exercised by the proprietor but shall be exercised by the chargees in succession in accordance with their priorities; and

(b) may in any other case be exercised by the charges first entitled in priority and thereafter by chargees next entitled in succession, and shall not be exercised by the proprietor when any such chargee is present personally or by proxy.

PART 7

FEES

Fees

19. The following fees shall be paid to the Registrar in respect of matters hereinafter referred to—

(a)	recording a Declaration under section 9(2) of the Act	$250.00
(b)	recording an amendment of a Declaration under section 9(2) of the Act	$50.00
(c)	lodging certificate under section 26(3) of the Act for record at the Registry	$15.00
(d)	lodging for record the name and place of residence or business of a person nominated to receive service of summons, notices or other processes under section 34(1)(b) of the Act	$15.00
(e)	on lodgement for registration of strata plan	$20.00
(f)	for opening new registers consequent upon registration of strata plan for each parcel resulting	$10.00
(g)	on lodgement of a notification of destruction of the building	$20.00
(h)	on lodgement of a notification of any amendment or variation of any by-law	$20.00
(i)	on lodgement of any application for amendment of a registered strata plan—per amendment	$20.00
(j)	on lodgement of an application for any instrument to be prepared in the Registry which in the opinion of the Registrar requires substantial addition to or variation from the prescribed form	Such fee not exceeding $50 as the Registrar may assess
(k)	on application for Land Certificate of Lease	$20.00

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PART 8

CITATION

Citation

20. These Regulations may be cited as the Condominium Regulations, Revised Regulations of Anguilla, C80-1.

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SCHEDULE

(Section 1)

FORMS

FORM 1

CONDOMINIUM REGULATIONS

(Section 6(b)(i))

FIRST SHEET OF STRATA PLAN

(SECTION 6(2)(a), (b) AND (e) OF THE CONDOMINIUM ACT)

Sheet of Sheets

TITLE: STRATA PLAN No.	SCALE:	SECTION:	SURVEYED BY:
	BLOCK:	PARCEL:	L.D.C. REF:

SCHEDULE OF AMENDMENTS

AMENDMENTS

No.	Date	Details	Ref.	Int'l

Address of Body Corporate for Service of Notices

Diagram of location of buildings in relation to parcel boundaries

LEGEND		DECLARATION	ADDRESS OF SURVEYOR	Approved for General Boundaries
Conc Monument	CM o	I Surveyor Licensed		Chief Surveyor .....
Iron Pin (in Cone)	IP(C) o	under the Land Surveyors Act declare		Date.....
Fence	x x	that this survey has been carried out by		Registered .....
Post (type)	– – – –	me or under my supervision		Registrar of Lands .....
Tree		SIGNATURE		
Traverse Line		Date		

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FORM 2

CONDOMINIUM REGULATIONS

(Section 6(b)(ii))

FURTHER SHEETS

(SECTION 6(2)(d) AND (f) OF THE CONDOMINIUM ACT)

TITLE: STRATA PLAN No.			SCALE:	SECTION:	SURVEYED BY.
			BLOCK:	PARCEL:	L. D.C. REF:

SCHEDULE OF UNIT ENTITLEMENT

Strata Lot No.	Unit Entitlement	Office Use Only Block & Parcel No	Remarks
AGGREGATE			

I,
of
a Surveyor licensed under the Land Surveyors Act hereby certify that:

(1) the building erected on Block and Parcel No. is within the external boundaries of the parcel subject to Clause (2) of this certificate.

(2) eaves or gutting of the building project beyond external boundaries and appropriate easement has been granted as an appurtenance of the parcel by instrument No.

Signature ..... Date .....

Sheet Nos.
approved by that

(1) the development conforms with the requirements of the Building Regulations.

(2) a certificate of fitness for occupancy has been issued in respect of Strata Lot Nos.

Signature ..... Date .....

Approved for General Boundaries.....

Chief Surveyor .....

Date .....

Registered .....

Registrar of Lands.....

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FORM 3

Sheet of Sheets

CONDOMINIUM REGULATIONS

(Section 6(b)(iii))

FURTHER SHEETS

(SECTION 6(2)(c) OF THE CONDOMINIUM ACT)

TITLE: STRATA PLAN No.	SCALE:	SECTION:	SURVEYED BY:
ELEVATIONS: SECTIONS: PLANS	BLOCK:	PARCEL:	L.D.C. REF:

LEGEND		DECLARATION	ADDRESS OF SURVEYOR	Approved for General Boundaries
Conc Monument	CM o	I Surveyor Licensed under the Land Surveyors Act declare that this survey has been carried out by me or under my supervision		Chief Surveyor…….
Iron Pin (in Cone)	IP(C) o			Date……
Fence	x x			Registered……
Post (type)	– – – –	SIGNATURE Date		Registrar of Lands……
Tree				
Traverse Line				

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FORM 4

CONDOMINIUM REGULATIONS

(Section 8)

SURVEYOR'S CERTIFICATE
(SECTION 6(2)(f) OF THE CONDOMINIUM ACT)

REGISTRATION SECTION	BLOCK	PARCEL NUMBER
.....	.....	.....

I

of

a licensed surveyor under the Land Surveyors Act, hereby certify that:

(1) the building erected on the above parcel is within the external building boundaries of the parcel * subject to (2) below;

(2) eaves or guttering of the building project beyond such external boundaries and an appropriate easement has been granted as an appurtenance of the parcel by instrument.

No. ……..

Signature …….

Date …….

* *Delete if inappropriate*

———————

FORM 5

CONDOMINIUM REGULATIONS

(Section 8)

CERTIFICATE OF DIRECTOR OF PHYSICAL PLANNING
(SECTION 6(2)(f) OF THE CONDOMINIUM ACT)

I

Director of Physical Planning

hereby certify for the purposes of the Condominium Act, that:

(1) the development conforms with the requirements of the Land Development (Control) Regulations;

(2) a certificate of fitness for occupancy has been issued in respect of Strata Lot Nos.

Signature …….

Date …….

———————

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FORM 6

CONDOMINIUM REGULATIONS

(Section 9(a))

CERTIFICATE OF THE STRATA LOT CORPORATION RESOLUTION
(SECTION 27(1)(a) OF THE CONDOMINIUM ACT)

Strata Plan No.

In pursuance of the provisions of the Condominium Act, the proprietors of the above strata plan hereby certify that the lots in the said strata plan by unanimous resolution, duly passed, directed the said corporation to execute the instrument hereunder recited and that all persons having registered interests in the parcel and all other persons having registered interests (other than statutory interest) which have been notified to the corporation have consented in writing to the release of those interests in respect of the land comprised in such instrument and that such instrument conforms with the terms of the aforesaid resolution.

Instrument: Transfer (or as the case may be)

dated ……..……..

(Brief description of the land disposed of)

The Common Seal of the Proprietors, Strata Plan

No. …… was hereunto affixed on ……..…….…….……

in the presence of

……... ……...

……... ……...

(Members of the Board of Management)

Notes

(1) If, in the case of a lease, interested parties have approved in writing of the execution of the lease, but have not consented in writing to the release of their interest in the respect of the demised land, delete the words “have consented in writing, to the release of those interested in respect of the land comprised in such instrument”.

(2) Insert a description of the nature and date of the instrument and the names of the parties thereto.

———————

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FORM 7

CONDOMINIUM REGULATIONS

(Section 9(b))

CERTIFICATE OF THE STRATA LOT CORPORATION RESOLUTION
(SECTION 27(1)(b) OF THE CONDOMINIUM ACT)

Strata Plan No.

In pursuance of the provisions of the Condominium Act, the proprietors of the above strata plan hereby certify that the lots in the said strata plan by unanimous resolution, duly passed, directed the said corporation to execute the instrument hereunder recited and that all persons having interests (other than statutory interest) which have been notified to the corporation have consented in writing to the release of those interests in respect of the land comprised in such instrument.

Instrument: *Transfer (or as the case may be)

dated ……

……..……..……..

…… of ……..……

(Brief description of land affected)

No. ….……..…… was hereunto affixed on ……...….……..…

in the presence of

……... ……...

……... ……...

(Members of the Board of Management)

Insert a description of the nature and date of the instrument and the names of the parties thereto

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FORM 8

CONDOMINIUM REGULATIONS

(Section 10)

NOTIFICATION OF DESTRUCTION OF BUILDING
(SECTION 31(1)(a) OF THE CONDOMINIUM ACT)

Strata Plan No.

In pursuance of section 28(1)(a) of the Condominium Act, the proprietors of the above strata plan hereby certify that the building illustrated on the said plan has been destroyed.

Attached here is *a certified copy of the unanimous resolution of the proprietors pursuant to section 28(2)(a) of the Act.

*An office copy of the declaration made by the Court pursuant to section 28(2)(b) of the Act.

The Common Seal of the proprietors, strata plan

No. ….…..…… was hereunto affixed on ……..……

in the presence of

……... ……...

……... ……...

(Members of the Board of Management)

* *Delete whichever is inappropriate*

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FORM 9

CONDOMINIUM REGULATIONS

(Section 12)

NOTIFICATION OF AMENDMENT OR VARIATION OF BY-LAWS
(SECTION 20(3) OF THE CONDOMINIUM ACT)

Strata Plan No.

In pursuance of section 17(3) of the Condominium Act, the proprietors of the above strata plan unanimously passed the following resolution—

(Set out resolution)

The Common Seal of the proprietors, strata plan No.

……...……..…… was hereunto affixed on …….…..…….. in the presence of

….……...……

……...

(Members of the Board of Management)

Note: Delete the word "unanimously" if not applicable

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