

## UNIT TITLES

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### No. 31 of 1970

#### An Ordinance relating to the Sub-division of Land into Units, Unit Subsidiaries and Common Property.

##### PART I.—PRELIMINARY.

- Short title.**      1. This Ordinance may be cited as the *Unit Titles Ordinance 1970*.\*
- Commence-  
ment.**            2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice published in the *Gazette*.†
- Parts.**            3. This Ordinance is divided into Parts, as follows:—
- Part    I.—Preliminary (Sections 1-3).
  - Part    II.—Interpretation (Sections 4-9).
  - Part    III.—Proposals for Sub-division (Sections 10-23).
  - Part    IV.—Effect of Registration of Units Plans (Sections 24-28).
  - Part    V.—Management Corporations.
    - Division 1.—Constitution of Corporations (Sections 29-34).
    - Division 2.—Duties, Functions and Powers of Corporations (Sections 35-49).
    - Division 3.—Committees of Corporations (Sections 50-59).
    - Division 4.—General Meetings of Corporations (Sections 60-65).
    - Division 5.—Voting at General Meetings (Sections 66-77).
    - Division 6.—Articles of Corporations (Sections 78-81).
  - Part    VI.—Insurance (Sections 82-91).
  - Part    VII.—Administrators (Sections 92-96).

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\* Made on 11 September 1970; notified in the *Commonwealth Gazette* on 11 September 1970.

† The date fixed was 1 February 1971; see *Commonwealth Gazette* 1971, p. 788.

Part VIII.—Cancellation and Alteration of Units Plans (Sections 97-105).

Part IX.—Miscellaneous (Sections 106-117).

## PART II.—INTERPRETATION.

4.—(1.) In this Ordinance, except in Part III., “unit” means a part of the relevant parcel shown on the units plan as a unit.

Definition of “unit” and “unit subsidiary”.

(2.) In this Ordinance, “unit subsidiary” means a part of the relevant parcel shown on the units plan as a unit subsidiary.

(3.) Unless the contrary intention appears, a reference in this Ordinance, except in Part III., to a unit shall, in a case where a unit subsidiary is appurtenant to a unit, be read as a reference to both the unit and the unit subsidiary.

5. In this Ordinance, unless the contrary intention appears—

Other definitions.

“administrator” means an administrator appointed under section 92 of this Ordinance;

“building”, in relation to proposals for sub-division, includes a building proposed to be erected;

“Class A unit” means a unit described in sub-paragraph (i) of paragraph (a) of section 10 of this Ordinance, and does not include a unit subsidiary;

“Class B unit” means a unit described in sub-paragraph (ii) of paragraph (a) of section 10 of this Ordinance, and does not include a unit subsidiary;

“committee” means the committee of a corporation constituted by section 34 of this Ordinance;

“committee-man” means a member of a committee;

“common property” means so much of a parcel as is not within a unit;

“corporation” means a corporation constituted by section 29 of this Ordinance;

“general meeting” means a general meeting of a corporation;

“improvements” includes fittings and fixtures;

“lease” means—

(a) in relation to a unit—the lease of the unit referred to in paragraph (b) of sub-section (1.) of section 25, or in sub-section (2.) of section 110, of this Ordinance;

(b) in relation to common property—the lease of the common property referred to in paragraph (c) of sub-section (1.) of section 25 of this Ordinance; or

- (c) in relation to a parcel—the lease of the parcel granted under, or continued in force by, the City Area Leases Ordinance or the lease referred to in paragraph (d) of sub-section (1.) of section 98 of this Ordinance,  
as the case requires;
- “lessee” means—
  - (a) in relation to a unit—the registered proprietor of the lease of the unit;
  - (b) in relation to common property—the registered proprietor of the lease of the common property; or
  - (c) in relation to a parcel—the registered proprietor of the lease of the parcel,  
as the case requires;
- “member” means a member of a corporation;
- “mortgage” means a registered mortgage, or a registered encumbrance, within the meaning of the *Real Property Ordinance* 1925-1970, and “mortgaged” has a corresponding meaning;
- “mortgagee” means the registered proprietor of a mortgage and, in relation to a unit, means the registered proprietor of a mortgage of the lease of the unit;
- “parcel” means the whole of the land comprised in proposals for the sub-division of a parcel of land or in a units plan, as the case may be;
- “proprietor”, in relation to a unit, means the registered proprietor of the lease of the unit;
- “registered” means registered in the Register Book—
  - (a) under the *Real Property Ordinance* 1925 or that Ordinance as amended as in force at the relevant time; or
  - (b) under the *Real Property (Unit Titles) Ordinance* 1970,and “register” and “registration” have corresponding meanings;
- “the City Area Leases Ordinance” means the *City Area Leases Ordinance* 1936 or that Ordinance as amended as in force at the relevant time;
- “the Court” means the Supreme Court;
- “the Registrar” has the same meaning as in the *Real Property Ordinance* 1925-1970;
- “unit entitlement”, in relation to a unit, means the number specified in the schedule of unit entitlement as the unit entitlement for the unit;
- “units plan” means all the documents referred to in sub-section (1.) of section 22 of this Ordinance and endorsed under that section, being documents relating to the sub-division of the relevant parcel.

6. In this Ordinance, unless the contrary intention appears, a reference to a proprietor, mortgagee or lessee shall be read as including—

References to proprietor, mortgagee or lessee.

- (a) in the case of a natural person—a reference to the heirs, executors, administrators or assigns of that person or to a person in whom the property of the first-mentioned person is vested, or by whom that property is controlled, under the *Bankruptcy Act* 1966-1969; or
- (b) in the case of a body corporate other than a corporation—a reference to its liquidators or assigns.

7. In this Ordinance, a reference to—

- (a) members, in relation to a corporation with only one member;
- (b) proprietors, in relation to units in a case where the relevant corporation has only one member; or
- (c) committee-men, in relation to a committee with only one committee-man,

Plural references to members, proprietors or committee-men where only one exists.

shall be read as a reference to the person who is that member or committee-man.

8. In this Ordinance, a reference to a special resolution shall be read as a reference to a resolution, at a duly convened general meeting, passed by votes representing not less than two-thirds of the total number of units and not less than half of the aggregate unit entitlement of the units.

References to special resolutions.

9.—(1.) In this Ordinance, a reference to a unanimous resolution shall be read as a reference to—

References to unanimous resolutions.

- (a) where only one person is entitled to vote at a general meeting—a resolution made by that person and recorded by him as a unanimous resolution in the minute book of the corporation kept under this Ordinance; or
- (b) where more than one person is entitled to vote at a general meeting—a resolution, at a duly convened general meeting, unanimously passed by all the members of the corporation and recorded as a unanimous resolution in the minute book of the corporation kept under this Ordinance.

(2.) For the purposes of paragraph (b) of the last preceding subsection, a mortgagee of a unit by whom notice in accordance with subsection (1.) of section 67 of this Ordinance has been given shall be deemed to be a member of the corporation to the exclusion of the proprietor whose estate or interest is subject to the mortgage.

### PART III.—PROPOSALS FOR SUB-DIVISION.

10. In this Part—

Units and unit subsidiaries.

- (a) a reference to a unit shall be read as a reference to either of the following:—
  - (i) a part of the parcel, being a part of a building, bounded by reference to floors, walls and ceilings; or

- (ii) a part of the parcel unlimited in its vertical dimensions except to the extent of any projection above, or encroachment below, ground level by another part of the parcel; and
- (b) a reference to a unit subsidiary shall be read as a reference to either of the following:—
  - (i) a part of the parcel, being a building or part of a building consisting only of a utility room, laundry, store-room, balcony, verandah, porch, stairway, shed, garage or car port; or
  - (ii) a part of the parcel suitable for any one or more of the following purposes, namely, a parking area for vehicles or a garden, lawn or yard, and unlimited in its vertical dimensions except to the extent of any projection above, or encroachment below, ground level by another part of the parcel.

Proposals for  
sub-division.

**11.—(1.)** The lessee under a lease of a parcel of land granted under, or continued in force by, the City Area Leases Ordinance or under a lease of a parcel of land referred to in paragraph (d) of sub-section (1.) of section 98 of this Ordinance may apply to the Minister for approval of proposals for the sub-division of the parcel under this Ordinance.

(2.) The proposals shall provide for the sub-division of the parcel into not less than four units and common property, and may provide for one or more than one unit subsidiary appurtenant to a unit.

(3.) Where the proposals provide for a unit subsidiary, it shall be appurtenant to a specified unit, whether or not it is contiguous to that unit.

(4.) An uncovered balcony or uncovered stairway that is not shown in the proposals as part of a Class B unit shall, unless it is to be common property, be shown in the proposals as a unit subsidiary and not as part of a unit.

(5.) Any land contiguous to a Class A unit or to a unit subsidiary (being a unit subsidiary consisting of a building or part of a building) shall not be shown in the proposals as part of that unit or unit subsidiary, but nothing in this sub-section prevents that land from being a unit subsidiary, part of a Class B unit or common property.

(6.) For the purposes of the last preceding sub-section, "land" does not include—

- (a) a building or part of a building; or
- (b) land upon which a building or part of a building is situated.

Documents to  
be included  
in proposals.

**12.—(1.)** The proposals shall include—

- (a) diagrams showing the manner in which it is proposed to sub-divide the parcel and—
  - (i) showing, in respect of each unit, whether it is a Class A unit or a Class B unit;
  - (ii) showing the unit subsidiary or unit subsidiaries (if any) appurtenant to each unit;

- (iii) allotting to each unit a number; and
- (iv) allotting to each unit subsidiary the number of the unit to which it is appurtenant and the letter 'S' and, if there are two or more unit subsidiaries appurtenant to the same unit, an additional number for each unit subsidiary;
- (b) a schedule specifying—
  - (i) in respect of each unit—a whole number, being the unit entitlement proposed for that unit; and
  - (ii) a whole number, being the aggregate unit entitlement proposed for all the units; and
- (c) where the proposals provide for the erection or alteration of, or an addition to, a building—a copy of the plans and specifications for the erection, alteration or addition.

(2.) Where the proposals provide for a unit subsidiary, the diagrams shall show whether it is a utility room, laundry, store-room, balcony, verandah, porch, stairway, shed, garage, car port, parking area, garden, lawn or yard.

**13.—**(1.) The diagrams referred to in paragraph (a) of sub-section (1.) of the last preceding section shall include—

*Nature of diagrams to be included in proposals.*

- (a) a diagram showing—
  - (i) the boundaries of the parcel;
  - (ii) the boundaries at ground level, or, in an appropriate case, the boundaries projected to ground level, of the extremities of each building on the parcel; and
  - (iii) if the proposals include provisions for the subdivision of the parcel into Class B units—the boundaries of each of those units,
 so drawn that the relationship of those boundaries to one another is shown;
- (b) where the proposals provide for a building to be so subdivided that one Class A unit is wholly or partly above another Class A unit—a separate diagram for each floor of the building showing sufficient particulars, at floor level, from which the vertical boundaries of each unit on that floor are ascertainable, without necessarily specifying any bearings or dimensions;
- (c) where the proposals provide for a building to be sub-divided into two or more Class A units otherwise than in the manner referred to in the last preceding paragraph—a diagram showing sufficient particulars, at floor level, from which the vertical boundaries of each unit are ascertainable, without necessarily specifying any bearings or dimensions; and
- (d) where the proposals provide for a Class B unit that is limited in its vertical dimensions by a projection above, or encroachment below, ground level by another part of the

parcel—a statement on the diagram on which the unit is shown to the effect that the unit is so limited and stating the nature of the limitation.

(2.) A diagram referred to in paragraph (b) or paragraph (c) of the last preceding sub-section shall show the approximate floor area of each unit.

(3.) This section applies to and in relation to—

- (a) a unit subsidiary consisting of a building or part of a building as if that unit subsidiary were a Class A unit; and
- (b) any other unit subsidiary as if that unit subsidiary were a Class B unit.

(4.) Subject to paragraph (b) of sub-section (1.) of this section, any two or more diagrams referred to in that sub-section may be combined.

Boundaries of  
units and unit  
subsidiaries.

14.—(1.) Where—

- (a) the proposals show a unit as a Class A unit; or
  - (b) a unit subsidiary consists of a building or part of a building,
- the boundaries of the unit or the unit subsidiary, as the case may be, shall be ascertained by reference to its floors, walls and ceilings.

(2.) Where—

- (a) the proposals show a unit as a Class B unit; or
- (b) a unit subsidiary does not consist of a building or part of a building,

the boundaries of the unit or the unit subsidiary, as the case may be, shall be ascertained from the diagrams in the proposals, and the unit or the unit subsidiary, as the case may be, is unlimited in its vertical dimensions except to the extent of any projection above, or encroachment below, ground level by another part of the parcel.

Common  
boundaries.

15.—(1.) Subject to sub-section (3.) of this section, where, in accordance with the proposals, a Class A unit or a unit subsidiary consisting of a building or part of a building is separated from common property, from a unit or from a unit subsidiary by a floor, wall or ceiling, the common boundary between them lies along the centre of that floor, wall or ceiling, as the case may be.

(2.) Where a Class A unit or a unit subsidiary consisting of a building or part of a building is bounded by reference to an external wall of the building—

- (a) the boundary of that unit or unit subsidiary lies along the centre of that wall; and
- (b) so much of that wall as is outside that boundary is common property.

(3.) If the proposals specify that a boundary referred to in sub-section (1.) of this section lies elsewhere than in the position there described, the boundary is as so specified.

Approval of  
sub-division.

16.—(1.) The Minister shall not approve the proposals unless—

- (a) each unit is suitable for separate occupation and for use in

a manner not inconsistent with the covenants in the lease of the parcel;

- (b) the schedule of unit entitlement is reasonable, having regard to the respective values of the units; and
- (c) the proposals conform to the preceding provisions of this Part.

(2.) In determining the value of a unit for the purposes of paragraph (b) of the last preceding sub-section, the value of a unit subsidiary or unit subsidiaries appurtenant to the unit shall be taken into consideration.

(3.) Subject to sub-section (1.) of this section, the Minister shall approve the proposals if the lessee of the parcel is not in breach of a covenant contained in the lease of the parcel or in breach of a provision of the City Area Leases Ordinance or a requirement made under that Ordinance, being a provision or requirement that applies to or in relation to him in his capacity as the lessee of the parcel, but, if he is in breach of such a covenant, provision or requirement, the Minister may, in his discretion, approve or refuse to approve the proposals.

17. An approval under the last preceding section shall, in the case of proposals referred to in paragraph (c) of sub-section (1.) of section 12 of this Ordinance, be expressed to be subject to the condition that the erection or alteration of, or addition to, the building will be completed in accordance with those proposals within such time as is specified by the Minister in the approval or within such extended time as the Minister from time to time allows.

Conditional approval of sub-division.

18.—(1.) Where the Minister has approved the proposals, he shall cause to be forwarded to the lessee of the parcel—

Documents to be forwarded to lessee by Minister.

- (a) notice in writing that he has approved the proposals or, if the approval is subject to the condition referred to in the last preceding section, that he has approved the proposals subject to that condition being complied with;
- (b) a schedule setting out, in relation to each of the units, the rent to be reserved under the lease of the unit and the provisions, covenants and conditions subject to which the lease is to be held; and
- (c) a schedule setting out, in relation to the common property, the rent to be reserved under the lease of the common property and the provisions, covenants and conditions subject to which the lease is to be held.

(2.) A reference in the last preceding sub-section to a unit shall be read as including a reference to a unit subsidiary appurtenant to the unit.

19. The rent to be reserved under the lease of the common property is Five cents per annum payable if and when demanded.

Rent under lease of common property.

20.—(1.) The rent to be reserved under the lease of a unit shall be at the rate of an annual amount that bears to the amount of the rent that was, immediately before the registration of the units plan, payable under the lease of the parcel the same proportion as the unit entitlement of that unit bears to the aggregate unit entitlement of all the units.

Rent under leases of units.

(2.) Nothing in this section prevents the Minister from including a covenant requiring the lessee to pay additional rent under the lease of a unit where an amount of rent payable under the lease remains unpaid for such period as is specified in the covenant.

(3.) A reference in this section to a unit shall be read as including a reference to a unit subsidiary appurtenant to the unit.

Final approval  
where  
conditions  
complied with.

21. Where a conditional approval has been granted, the Minister shall, on an application made for the purpose by the lessee of the parcel, give his final approval to the proposals if—

- (a) the condition has been complied with; and
- (b) the applicant is not in breach of a covenant contained in the lease of the parcel or in breach of a provision of the City Area Leases Ordinance or a requirement made under that Ordinance, being a provision or requirement that applies to or in relation to the applicant in his capacity as the lessee of the parcel,

but, in any other case, the Minister may, in his discretion, grant or refuse to grant final approval of the proposals.

Endorsement  
of units plan  
for registration.

22.—(1.) Where approval, not being a conditional approval, of the proposals has been granted or, a conditional approval having been granted, final approval of the proposals has been granted under the last preceding section, the lessee of the parcel may submit to the Minister for endorsement under this section—

- (a) diagrams showing the sub-division in accordance with the proposals as so approved;
- (b) the schedule of unit entitlement as so approved; and
- (c) schedules in accordance with the schedules forwarded under paragraphs (b) and (c) of sub-section (1.) of section 18 of this Ordinance,

prepared in accordance with the requirements of the *Real Property (Unit Titles) Ordinance 1970*.

(2.) Each sheet of the documents referred to in the last preceding sub-section shall be signed by the lessee of the parcel.

(3.) There shall be endorsed on the diagram showing the boundaries referred to in paragraph (a) of sub-section (1.) of section 13 of this Ordinance a certificate on the appropriate form prescribed by the *Real Property (Unit Titles) Ordinance 1970* by a surveyor registered under the *Surveyors Ordinance 1967-1970*.

(4.) The Minister shall make on the appropriate form prescribed by the *Real Property (Unit Titles) Ordinance 1970* an endorsement that the documents are approved for registration under that Ordinance and affix his signature to, and note the date of, that endorsement and affix his signature to each other sheet of the documents, unless—

- (a) any alteration of, or addition to, a building on the parcel has occurred since the proposals were approved by him;
- (b) the lessee of the parcel is in breach of a covenant, provision or requirement referred to in paragraph (b) of the last preceding section; or

- (c) the documents submitted to him are not in accordance with the proposals as approved by him.

**23.—(1.)** An endorsement made under the last preceding section ceases to have effect—

Endorsement lapses after three months.

- (a) on the expiry of the period of three months after the date on which it was made, unless the units plan is lodged with the Registrar under the *Real Property (Unit Titles) Ordinance* 1970 within that period; or
- (b) if the units plan is so lodged within that period and is subsequently withdrawn under section 26 of that Ordinance—when the endorsement is made by the Registrar under that section.

(2.) If an endorsement so ceases to have effect, the lessee of the parcel may again submit the documents to the Minister for endorsement under the last preceding section, whereupon that section and this section apply as if the previous endorsement had not been made.

#### PART IV.—EFFECT OF REGISTRATION OF UNITS PLANS.

**24.** On and after the registration of the units plan, the parcel is sub-divided in the manner specified in the diagrams in the units plan and the boundaries of the units, of the unit subsidiaries (if any) and of the common property shall be ascertained in accordance with those diagrams and with sections 14 and 15 of this Ordinance as if a reference in those sections to proposals were a reference to the units plan.

Sub-division of parcel made by registration.

**25.—(1.)** On the registration of the units plan—

- (a) the lease of the parcel is determined;
- (b) the person who was, immediately before the registration of the units plan, the lessee of the parcel becomes possessed of an estate of leasehold in each unit for the term fixed under the next succeeding sub-section and subject to the provisions, covenants and conditions set out in the units plan in relation to that unit as if a separate lease of that unit for that term and subject to those provisions, covenants and conditions had been granted to him by the Commonwealth under the City Area Leases Ordinance; and
- (c) the corporation becomes possessed of an estate of leasehold in the common property for the term fixed under the next succeeding sub-section and subject to the provisions, covenants and conditions set out in the units plan in relation to the common property as if a lease of the common property for that term and subject to those provisions, covenants and conditions had been granted to the corporation by the Commonwealth under the City Area Leases Ordinance.

Leases of units and common property.

(2.) The term of the lease of a unit and of the lease of the common property commences on the registration of the units plan and expires on the date specified in the units plan, being the date on which, but for the operation of this section, the term of the lease of the parcel would have expired.

(3.) The estate of which a person or the corporation, as the case may be, becomes possessed under this section—

- (a) is subject to any mortgage referred to in section 10 of the *Real Property (Unit Titles) Ordinance 1970*; and
- (b) is subject to, and has appurtenant to it, the easements created by section 27 of this Ordinance and any easement referred to in section 10 of that Ordinance.

Common  
property to be  
held in trust.

**26.—**(1.) The corporation shall hold the common property in trust for the persons who are for the time being the members of the corporation as tenants in common in undivided shares proportional to the unit entitlements of their respective units, and shall afford those persons opportunity for the reasonable use and enjoyment of the common property.

(2.) The estate in the lease of the common property held by the corporation is not capable, either at law or in equity, of being transferred, assigned, sub-let or mortgaged.

Easements  
created by  
this Ordinance.

**27.—**(1.) In this section—

- “proprietor”, in relation to the common property, means the corporation;
- “tenement” means a unit or the common property, as the case may be.

(2.) On and after the registration of the units plan, the proprietor of each tenement (in this section called “the dominant tenement”) shall be deemed to have over each other tenement (in this section called “the servient tenement”) such of the rights specified in the next succeeding sub-section as are necessary for the reasonable use and enjoyment of the dominant tenement.

(3.) The rights referred to in the last preceding sub-section are—

- (a) rights of support, shelter and protection afforded by the servient tenement at the time of the registration of the units plan;
- (b) rights for the collection, passage and provision of water, sewerage, drainage, garbage, gas, electricity and air, and other services of whatsoever nature (including telephone, radio and television services), through or by means of pipes, wires, cable, ducts, or other reasonable means; and
- (c) such ancillary rights as are necessary to make the rights referred to in the last two preceding paragraphs effective, including rights of entry by the proprietor of the dominant tenement and his agents, servants and workmen at all reasonable times on the servient tenement for the purpose of—
  - (i) inspecting, maintaining or repairing the servient tenement; or
  - (ii) inspecting, maintaining, repairing, replacing, renewing or restoring any pipe, wire, cable, duct or other material.

(4.) A right created by this section shall be deemed to be an easement appurtenant to the dominant tenement in relation to which it is enjoyed.

(5.) An easement created by this section subsists notwithstanding that the same person is the proprietor of both the dominant and servient tenements.

(6.) A person exercising a right under an easement created by paragraph (b) or (c) of sub-section (3.) of this section is liable to make good any damage done in the course of exercising that right.

28. On and after the registration of the units plan, an alteration of the schedule of unit entitlement is not capable of being registered unless it is made in pursuance of an order of the Court under Part VIII. or in pursuance of an order of the Court under section 11A of the City Area Leases Ordinance.

No alteration of schedule of unit entitlement.

## PART V.—MANAGEMENT CORPORATIONS.

### Division 1.—Constitution of Corporations.

29. On and after the registration of a units plan, there is constituted a body corporate under the name “The Proprietors—Units Plan No. ”, the number to be included in the name being the number allotted to the units plan by the Registrar on its registration.

Incorporation of proprietors of units.

30. The members of the corporation so constituted are the persons who are proprietors, for the time being, of the units.

Membership of corporation.

31. A body corporate which is the proprietor of a unit may from time to time appoint a person to represent it for the purposes of the provisions of Divisions 3, 4 and 5 of this Part (other than sections 63, 73, 74 and 75) and, in that event, those provisions apply as if that person were the proprietor of that unit.

Body corporate which is member may appoint representative.

32. A corporation—

- (a) has perpetual succession;
- (b) shall have a common seal; and
- (c) may sue and be sued in its corporate name.

Legal status of corporation.

33. The *Companies Ordinance* 1962-1969 does not apply to or in relation to a corporation.

Companies Ordinance not to apply.

34.—(1.) On and after the constitution of a corporation, there shall be a committee of the corporation which, subject to this Ordinance, shall perform all the duties and functions, and may exercise all the powers, imposed or conferred on the corporation.

Corporation to act through committee.

(2.) Those duties and functions shall be performed and those powers shall be exercised by the committee in such manner as the corporation by resolution passed at a general meeting directs or, in the absence of such a resolution, in such manner as the committee thinks fit.

### Division 2.—Duties, Functions and Powers of Corporations.

35.—(1.) A corporation shall perform the duties, may exercise the powers, and may perform the functions, imposed or conferred on it by this Ordinance.

General provisions.

(2.) A corporation may do such things as are incidental or ancillary to the performance of its duties or functions or to the exercise of its powers.

**General  
duties.**

**36.** A corporation shall—

- (a) be responsible for the enforcement of its articles and the control, management and administration of the common property;
- (b) keep in a state of good repair and properly maintain the common property and all chattels in its possession, custody or control;
- (c) maintain in good repair and proper working order and, if renewal is reasonably necessary, renew, all pipes, wires, cables, ducts, and apparatus and equipment of any kind used, or intended, adapted or designed for use, in the provision of services in respect of which easements are created by section 27 of this Ordinance; and
- (d) comply with any requirement made by or under any law in force in the Territory.

**Banking and  
investment of  
moneys of  
corporation.**

**37.—**(1.) A corporation shall open and maintain a bank account into which it shall pay all moneys received by it and out of which shall be paid all expenditure incurred by it.

(2.) Subject to the next succeeding sub-section, moneys of a corporation may be invested—

- (a) in such manner as trust funds may be invested under the *Trustee Ordinance 1957-1968*; or
- (b) in such other manner as is authorized by a special resolution.

(3.) Moneys of a corporation shall not be invested in mortgages of land.

**Contributions  
by members  
of the  
corporation.**

**38.—**(1.) A corporation shall, from time to time, determine the amount that it will require by way of contributions from its members to discharge expenditure that it may reasonably be expected to incur, or has incurred, by reason of the performance of the duties and functions and the exercise of the powers imposed or conferred on it by this Ordinance.

(2.) A corporation shall, in a determination made under the last preceding sub-section, specify the time within which, and the manner in which, contributions so determined are to be paid by its members.

(3.) Subject to the next succeeding sub-section, the contribution payable in respect of each unit is such amount as bears to the total amount referred to in the determination the same proportion as the unit entitlement of the unit, as at the date of the determination, bears to the aggregate unit entitlement of all the units as at that date.

(4.) Where—

- (a) a determination made under sub-section (1.) of this section relates to expenditure to be incurred by the corporation in discharge of a specified liability; and

- (b) before the making of that determination, the corporation has, by a unanimous resolution, resolved that contributions for that expenditure are payable in a proportion other than that specified in the last preceding sub-section,

the contribution payable in respect of each unit for that expenditure is such amount as is ascertained in accordance with that resolution.

(5.) The corporation shall cause notice of each determination made under sub-section (1.) of this section to be given to its members and shall, in the notice given to a member, specify the amount payable by him in respect of his unit and the time within which, and the manner in which, that amount is payable.

(6.) If an amount payable in respect of a unit is not paid within the period specified in the notice, that amount is recoverable as a debt due to the corporation from the person who was the proprietor of the unit on the date on which the notice was so given and from the person who is the proprietor of that unit on the date on which the action is instituted.

(7.) The liability under the last preceding sub-section is joint and several.

**39.—(1.)** This section applies to the following persons:—

- (a) the proprietor or mortgagee of a unit;
- (b) a person who produces the consent in writing of the proprietor of a unit to the making of a request under this section; and
- (c) a person who states in such a request that he is an applicant for the right to the grant of a lease of a unit, being a unit the lease of which has been determined in the manner referred to in section 109 of this Ordinance, and produces the consent in writing of a person authorized by the Minister to give consents under this paragraph to the making of a request under this section.

Statement  
of members'  
liability to the  
corporation,  
and inspection  
of books, &c.

(2.) A person to whom this section applies may request the relevant corporation—

- (a) to issue to him, within fourteen days after the request is received by the corporation, a certificate under the seal of the corporation certifying whether or not any amount that is payable under the last preceding section by way of contribution in respect of that unit is unpaid on the date of the certificate and, if so, the amount unpaid and the date on or before which the amount is, or will become, due; or
- (b) to make, as soon as is reasonably practicable after the request is received by the corporation, the books and records of the corporation available for his inspection and to give him reasonable opportunity to inspect those books and records.

(3.) A request under this section shall be in writing and shall be accompanied by a fee, not exceeding Two dollars, fixed by the corporation.

(4.) If default has been made by a corporation in complying with a request made under this section, each person who was, at the time when the default occurred, a committee-man of the corporation is, unless he proves that he took reasonable steps to ensure that the default did not occur or proves that the default occurred without his knowledge, guilty of an offence and is punishable, on conviction, by a fine not exceeding Four hundred dollars.

(5.) Where a person has acted in good faith on a matter stated in a certificate issued by the corporation under this section, then, in an action by or against the corporation, the corporation is estopped, as against that person, from denying the truth of that or any other matter stated in the certificate.

Names and  
addresses of  
committee-men.

**40.** A corporation shall comply with any reasonable request for the names and addresses of its committee-men.

No business  
for profit.

**41.—(1.)** Except in the course of, and for the purpose of, exercising its powers and performing its functions and duties, a corporation shall not carry on business.

(2.) If default has been made by a corporation in complying with the last preceding sub-section, each person who was, at the time when the default occurred, a committee-man of the corporation is, unless he proves that he took reasonable steps to ensure that the default did not occur or proves that the default occurred without his knowledge, guilty of an offence and is punishable, on conviction, by a fine not exceeding Four hundred dollars.

Borrowing  
powers.

**42.** A corporation may, if authorized by a unanimous resolution—

- (a) borrow moneys required by it for the purpose of performing its duties or functions or exercising its powers; and
- (b) secure the repayment of moneys borrowed by it and the payment of interest on those moneys.

Breaches of  
articles may  
be remedied.

**43.—(1.)** If a person who is bound by a provision of the articles of a corporation commits a breach of that provision by act or omission, the corporation may serve upon that person a notice in writing giving particulars of the breach and requiring him to remedy the breach within a reasonable time specified in the notice.

(2.) If the person upon whom the notice has been served fails to remedy the breach within the time specified in the notice, the corporation may itself remedy the breach.

Acquisition  
and alienation  
of property.

**44.—(1.)** A corporation may, if authorized by special resolution—

- (a) purchase, hire or otherwise acquire, or accept, personal property (not being a leasehold interest) for its own use or for any use in connexion with the use and enjoyment of the common property; and

(b) dispose of any property so purchased, acquired or accepted.

(2.) A corporation may, if authorized by unanimous resolution—

(a) grant an easement over any portion of the common property;

(b) acquire or accept an easement granted for the benefit of the common property; or

(c) release an easement so granted, acquired or accepted,

but an easement shall not be so granted, acquired, accepted or released except upon such terms and conditions and for such purposes as are specified in the resolution.

(3.) Subject to paragraph (c) of sub-section (1.) of section 25 of this Ordinance, a corporation is not capable, either at law or in equity, of acquiring or possessing any interest in land (not being an easement granted for the benefit of the common property).

45. A corporation may, if authorized by a special resolution, enter into and carry out an agreement with a proprietor or occupier of a unit providing for the repair or maintenance of the unit or for the provision of amenities or services by it to that unit or to that proprietor or occupier.

Agreements  
with members.

46.—(1.) A corporation may, if authorized by a unanimous resolution, grant to a member, or any person who has derived an interest in a unit through a member, any special privilege (not being a sub-lease) in respect of the enjoyment of part or parts of the common property.

Special  
privileges  
relating to  
common  
property.

(2.) A grant made under the last preceding sub-section may be terminated by notice in writing given by the corporation to the grantee in accordance with a special resolution.

47.—(1.) Where a corporation has performed any act which it was required or authorized by its articles or by or under this Ordinance or any other law in force in the Territory to perform, and which related to one unit only or some of the units only, any money expended by the corporation in performing that act is recoverable by the corporation as a debt from the proprietor or proprietors, for the time being, of that unit or those units, as the case may be.

Recovery of  
cost of certain  
repairs, &c.

(2.) Where the act referred to in the last preceding sub-section related to some of the units only, the amount recoverable from a proprietor in respect of a unit bears to the whole amount of the debt the same proportion as the unit entitlement of the unit bears to the aggregate unit entitlement of all those units.

(3.) For the purposes of this section—

(a) “act” includes repairs and work; and

(b) an act shall be deemed to relate to a unit if, but only if, the act is wholly or substantially for the benefit of the unit or wholly or substantially the liability or the responsibility of the proprietor of the unit.

Recovery of  
expenditure  
resulting from  
fault.

48. Where a corporation has incurred any expenditure or performed any repairs, work or act that it was required or authorized by its articles or by or under this Ordinance or any other law in force in the Territory to perform, the expenditure, repairs, work or act having been rendered necessary by reason of any wilful or negligent act or omission on the part of, or breach of any provision of its articles by, a member of the corporation, the amount of that expenditure or any money expended by it in performing the repairs, work or act is recoverable by it from that member as a debt.

Liability of  
co-proprietors.

49.—(1.) Where two or more persons are proprietors of a unit and an amount is recoverable under section 38 or section 47 of this Ordinance from the proprietor of that unit, the liability of those persons in respect of the payment of that amount is joint and several.

(2.) As between themselves, each of those persons is liable for an amount that bears to the whole amount the same proportion as the value of his interest in the unit bears to the value of the whole interest of all the proprietors of the unit.

(3.) If one of those persons pays an amount in excess of that proportion, he may recover the excess from the other proprietors.

#### *Division 3.—Committees of Corporations.*

Constitution  
of committee  
before first  
annual general  
meeting.

50.—(1.) Until the first annual general meeting, the committee consists of all the members of the corporation.

(2.) Until the first annual general meeting, the committee shall not perform a duty or function imposed, or exercise a power conferred, on the corporation unless it is authorized by a unanimous resolution to do so.

Constitution  
of committee  
after first  
annual general  
meeting.

51.—(1.) After the first annual general meeting, the committee shall, subject to this section, consist of such number of members of the corporation as is determined at that meeting, being a number not less than three and not more than seven.

(2.) Subject to this section, the number of committee-men may be varied by ordinary resolution passed at a general meeting.

(3.) The corporation may, by special resolution, fix a number of committee-men exceeding seven.

(4.) Where—

(a) there are not more than three members of the corporation;  
or

(b) the number of members of the corporation is equal to or less than the number determined, for the time being, to be the number of committee-men,

the committee consists of all the members of the corporation.

(5.) Except where the last preceding sub-section is applicable, the committee-men shall be elected at each annual general meeting and shall hold office until the next succeeding annual general meeting.

(6.) Except where the committee consists of all the members of the corporation, the corporation may, by special resolution, remove any committee-man before the expiry of his term of office and appoint another member of the corporation in his place to hold office for the unexpired part of the term of office of the committee-man so removed.

(7.) Subject to the last preceding sub-section, when a casual vacancy occurs on the committee, the remaining committee-men may appoint another member of the corporation in place of, and for the unexpired part of the term of office of, the committee-man whose office is vacant.

**52.**—(1.) Subject to the next succeeding sub-section, the committee may meet for the conduct of business as and when it determines and may adjourn and otherwise regulate its meetings as it thinks fit.

Meetings of committee.

(2.) A committee-man may convene a meeting of the committee by giving to each other committee-man not less than seven days' written notice specifying the business that he proposes to bring before the meeting and the time and place of the meeting.

**53.**—(1.) No business shall be transacted at a meeting of the committee unless a quorum is present at the relevant time.

Quorum of committee.

(2.) For the purposes of the last preceding sub-section, a quorum is—

- (a) where the total number of committee-men is an odd number—  
—a number ascertained in accordance with the formula—

$$\frac{X + 1}{2} ; \text{ or}$$

- (b) where the total number of committee-men is an even number—a number ascertained in accordance with the formula—

$$\frac{X}{2} + 1,$$

where X is the total number of committee-men.

**54.**—(1.) At the commencement of each meeting of the committee, the committee-men present shall elect a chairman for the meeting.

Chairman of committee.

(2.) If any chairman so elected vacates the chair or is unwilling or unable to act as chairman during the course of a meeting, the committee-men present shall elect another chairman in his place.

(3.) The chairman elected under either of the last preceding sub-sections is not prevented from exercising his deliberative vote as a committee-man and, in the case of an equality of votes, is entitled to a second or casting vote.

**55.** At meetings of the committee, all matters shall be decided by a majority of the votes of the committee-men present and voting.

Voting of committee.

Committee  
may delegate  
duties, functions  
and powers.

**56.**—(1.) Subject to any restriction or direction that may be imposed or given by ordinary resolution passed at a general meeting, the committee may delegate to one or more of the committee-men either generally or otherwise as provided by the instrument of delegation, all or any of its duties, functions and powers, except this power of delegation.

(2.) A duty so delegated shall be performed, and a function or power so delegated may be performed or exercised, by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the performance of a duty or function, or the exercise of a power, by the committee.

Committee  
may employ  
agents and  
servants.

**57.** Subject to any restriction or direction that may be imposed or given by special resolution, the committee may, for and on behalf of the corporation, employ, on such terms and conditions as it thinks fit, agents and servants in connexion with the performance of the duties and functions and the exercise of the powers of the corporation.

Minutes,  
records and  
accounts.

**58.**—(1.) The committee shall—

- (a) keep minutes of its proceedings;
- (b) cause minutes of proceedings at all general meetings of the corporation to be kept in a minute book of the corporation kept for the purpose;
- (c) include in that book a record of every unanimous resolution, special resolution and ordinary resolution of the corporation;
- (d) cause proper records and books of account to be kept in respect of the assets and liabilities of the corporation and all sums of money received and expended by and owing to and by the corporation; and
- (e) cause those minutes, records and books of account to be retained for a period of three years after the completion of the transactions, acts or operations to which they relate.

(2.) At each annual general meeting, the committee shall present to the corporation statements showings all moneys received and paid by, and assets and liabilities of, the corporation covering the period since the last preceding accounts so presented or, in the case of the first annual general meeting, since the registration of the units plan, and made up to a date that is not more than three months before the date of that meeting.

(3.) If default has been made by the committee in complying with either of the last two preceding sub-sections, each person who was, at the time when the default occurred, a committee-man is, unless he proves that he took reasonable steps to ensure that the default did not occur or proves that the default occurred without his knowledge, guilty of an offence and is punishable, on conviction, by a fine not exceeding Four hundred dollars.

**59.** No act done in good faith by the committee is invalidated merely by reason of the fact that at the relevant time there was some defect in the appointment or continuance in office of a committee-man.

Validity of acts of committee.

*Division 4.—General Meetings of Corporations.*

**60.**—(1.) A corporation shall hold a general meeting (which shall be called the annual general meeting and may be held in addition to any other general meeting held in the same year) at least once in every year and, except in the case of the first annual general meeting, not more than fifteen months after the date of the last preceding annual general meeting.

Annual general meetings.

(2.) Subject to this Division, a corporation may hold, adjourn and otherwise regulate general meetings as it thinks fit.

**61.**—(1.) The first annual general meeting shall be held within six months after the registration of the units plan.

Convening of first annual general meeting.

(2.) The first annual general meeting may be convened by the committee or by any member of the corporation.

**62.**—(1.) The committee—

(a) may, whenever it thinks fit; and

(b) shall, upon a requisition in writing specifying the matters to be considered at a general meeting and made by members having not less than twenty-five per centum of the aggregate unit entitlement,

Convening of general meeting other than the first annual general meeting.

upon notice given in accordance with the next succeeding section, convene a general meeting.

(2.) Where a mortgagee has, in a notice given under section 67 of this Ordinance or in a subsequent written notice, notified the corporation that he is to be regarded as a member of the corporation in respect of that unit for the purposes of the last preceding sub-section, the mortgagee shall be deemed for those purposes to be a member of the corporation in respect of that unit.

**63.**—(1.) Subject to the next succeeding sub-section, the time to be fixed for the holding of a general meeting shall be a time which will permit not less than fourteen days' notice of the time fixed for the meeting to be given.

Notice of general meeting.

(2.) Where it appears to the committee that a matter to be considered at a general meeting requires a unanimous resolution, the time to be fixed for the holding of the general meeting shall be a time that will permit not less than twenty-one days' notice of the time fixed for the meeting to be given.

(3.) A notice for a general meeting—

(a) shall specify the time, date and place fixed for the holding of the meeting;

- (b) if it appears to the committee that any matter to be considered at the meeting is a matter that requires a unanimous resolution, shall specify that matter and state the fact that it requires a unanimous resolution; and
- (c) shall be given to all the members of the corporation and to all mortgagees who have given notice to the corporation under section 67 of this Ordinance.

(4.) Notice under the last preceding sub-section shall be deemed to have been sufficiently given to a person if sent by prepaid post as a letter properly addressed to the last address of that person notified to the corporation or, if no such address has been so notified, to the person's last known place of abode or, if that person is a body corporate, to its registered office, its place of business or any other known address.

(5.) The proceedings at a general meeting are not invalidated—

- (a) merely by reason of the fact that a person did not receive notice under this section; or
- (b) merely by reason of the fact that such a notice was received by a person less than fourteen days or twenty-one days, as the case may be, before the time fixed for the meeting.

(6.) Where notice of a general meeting has been received by a person less than fourteen days or twenty-one days, as the case may be, before the time fixed for the meeting, the meeting shall, if that person so requests, be adjourned to a date to be determined by the persons present and voting at the meeting.

Chairman of  
general meeting.

**64.—**(1.) At the commencement of a general meeting, the members present shall elect a chairman for the meeting.

(2.) If any chairman so elected vacates the chair or is unwilling or unable to act as chairman during the course of the meeting, the members present shall elect another chairman in his place.

Quorum at  
general meeting.

**65.—**(1.) Subject to the next succeeding sub-section, no business shall be transacted at a general meeting unless a quorum, consisting of persons entitled to exercise voting rights in respect of not less than half the total number of units, is present at the relevant time.

(2.) If, within half an hour after the time appointed for a general meeting, a quorum referred to in the last preceding sub-section is not present, the meeting shall be adjourned to the same day in the next week at the same place and time and, if a quorum is not then present within half an hour after the time appointed for the adjourned meeting, the persons who are then present and entitled to vote constitute a quorum for the purposes of that sub-section.

#### *Division 5.—Voting at General Meetings.*

Voting by  
members.

**66.** Subject to the next succeeding section, at a general meeting—

- (a) where a unanimous resolution is required, each member is entitled to exercise one vote; and

- (b) where a unanimous resolution is not required, one vote is exercisable in respect of each unit and that vote is exercisable by the member who is the proprietor of that unit or, where there are two or more proprietors of that unit, jointly by the members who are those proprietors.

67.—(1.) Where the estate or interest of the proprietor of a unit is subject to a mortgage or mortgages, the mortgagee or, if there are two or more such mortgages, the mortgagee under whichever of those mortgages is entitled to priority over the other mortgage or other mortgages may give the corporation written notice that the unit is subject to the mortgage and that he proposes to exercise the rights conferred by this section.

Voting by  
mortgagees.

(2.) Where a mortgagee of a unit has given notice under the last preceding sub-section and the mortgage has not been discharged, the right to vote in respect of that unit, on a matter requiring a unanimous resolution, that would, but for this sub-section, be exercisable by the proprietor of that unit—

- (a) shall not be exercised by the proprietor; and
- (b) may be exercised by the mortgagee.

(3.) Where—

- (a) a mortgagee of a unit has given notice under sub-section (1.) of this section;
- (b) he or his proxy is present at a general meeting of the corporation at the time of voting; and
- (c) the mortgage has not been discharged,

the right to vote in respect of that unit, on a matter not requiring a unanimous resolution, that would, but for this sub-section, be exercisable by the proprietor of that unit—

- (d) shall not be exercised by the proprietor; and
- (e) may be exercised by the mortgagee.

(4.) Where two or more persons are mortgagees of a unit as joint tenants or as tenants in common—

- (a) the right to give notice under this section is exercisable only by them jointly;
- (b) the right to vote conferred upon them by this section is exercisable only by them jointly; and
- (c) for the purposes of the last preceding sub-section, those mortgagees shall be deemed not to be present at a meeting unless their proxy is present at that meeting.

(5.) Where—

- (a) the lease of a unit is held by two or more persons as tenants in common; and
- (b) one of those tenants in common has mortgaged his estate or interest as registered proprietor of the lease,

the mortgagee may give notice to the corporation in accordance with sub-section (1.) of this section and thereupon the preceding provisions of this section apply in relation to the right to vote that the mortgagor would, but for this sub-section, be entitled to exercise.

Declaration  
by chairman  
of result of  
voting.

**68.** Where a unanimous resolution is not required, then, unless a poll is demanded under the next succeeding section, a declaration by the chairman of the meeting that a resolution has been carried is conclusive evidence of the fact without proof of the number or proportion of votes recorded against or in favour of that resolution.

Polls.

**69.—(1.)** Except where a unanimous resolution is required, a poll may be demanded by any person present and entitled to vote.

(2.) A demand for a poll may be withdrawn.

(3.) A poll, if demanded, shall be taken in such manner as the chairman of the meeting thinks fit and the result of the poll, which shall be declared by the chairman as soon as it is ascertained, shall determine whether or not the resolution in respect of which the poll was demanded has been carried.

Votes may be  
cast personally  
or by proxy.

**70.—(1.)** Subject to sections 74 and 75 of this Ordinance, votes at a general meeting may be cast either personally or by proxy, whether on a poll or not.

(2.) An instrument appointing a proxy for the purposes of this Division shall be in accordance with a form determined by the committee.

Value of votes.

**71.** Except where a unanimous or special resolution is required, every vote is of equal value unless a poll is demanded and held, and in that event the value of each vote corresponds to the unit entitlement of the unit in respect of which it is exercised.

Voting by  
chairman.

**72.** The chairman of a general meeting is not prevented from exercising his deliberative vote as a member and, in the case of an equality of votes on an ordinary resolution, whether on a poll or not, is entitled to a second or casting vote.

No vote unless  
dues paid.

**73.** Except where a unanimous resolution is required, the right to vote in respect of a unit is not exercisable unless all amounts due and payable in respect of that unit to the corporation by the member or members liable to pay those amounts have been paid.

Absentee votes  
on unanimous  
resolutions.

**74.—(1.)** Where notice has been given that it is proposed to move at a general meeting a matter requiring a unanimous resolution and more than one person is entitled to attend the meeting and vote on the resolution—

- (a) the committee shall, with the notice of the meeting given to each person, give a voting paper; and
- (b) a person entitled to vote on the proposed resolution may, in lieu of voting in any other manner, cast an absentee vote by recording his vote on the voting paper and causing it to be delivered to the corporation before the commencement of the meeting.

(2.) A vote recorded and delivered in accordance with the last preceding sub-section shall be accepted by the chairman of the meeting concerned as a valid vote by the person exercising it and that person shall, except for the purposes of section 65 of this Ordinance, be deemed to be present at the meeting and to have exercised his power of voting on that resolution.

**75.—(1.)** Where two or more persons are entitled to exercise one vote jointly, that vote shall be exercised only by a person (who may or may not be one of them) jointly appointed by them as their proxy. Joint voters.

**(2.)** Notwithstanding the last preceding sub-section, where two or more persons are entitled to exercise one vote jointly, any one of them may, except where a unanimous resolution is required, demand a poll.

**76. The right of a person to vote at a general meeting—**

Capacity to vote.

- (a)** may, subject to the next succeeding paragraph, be exercised by him if he has attained the age of eighteen years;
- (b)** shall not be exercised by him if he is under a legal disability (not being infancy) that prevents him from lawfully dealing with his property, but may in that event be exercised by the person who is, for the time being, authorized by law to control that property; and
- (c)** shall not be exercised by him if he has not attained the age of eighteen years, but may in that event be exercised by his guardian.

**77.—(1.)** Where for any reason it is impossible or impracticable to obtain the exercise by a person of his right to vote on a matter requiring a unanimous resolution or it is not known by what person a right to vote on such a matter is exercisable, the Court, on the application of the corporation or of any other person entitled to vote on the matter, may by order—

Courts' powers in respect of voting.

- (a)** appoint a fit and proper person to exercise, on behalf of the first-mentioned person, the right to vote; or
- (b)** declare that any person's right to vote shall be dispensed with either on a particular occasion or generally.

**(2.)** Where the Court has made an order under paragraph **(a)** of the last preceding sub-section, the person appointed by the Court may exercise the right to vote of the person named in the order.

**(3.)** Where the Court has made an order under paragraph **(b)** of sub-section **(1.)** of this section, the provisions of this Division have effect as if no right to vote were exercisable by the person in question on the particular occasion or generally, as the case may be.

**(4.)** In making an order under sub-section **(1.)** of this section, the Court may make such provision as it thinks necessary or expedient to give effect to the order.

**(5.)** In this section, a reference to a right to vote shall be read as including a reference to a right to appoint a proxy to vote.

#### *Division 6.—Articles of Corporations.*

**78.** On and after the constitution of a corporation by section 29 of this Ordinance, the articles set out in the Schedule to this Ordinance shall, subject to any amendment or rescission of, or addition to, those articles made under section 80 of this Ordinance, be the articles of the corporation.

Articles of corporation.

Effect of  
articles.

**79.—**(1.) The corporation and each of the members of the corporation are bound by, and have the rights conferred by, the articles of the corporation to the same extent as if—

- (a) the corporation and each member had agreed under seal with each other and each other member to be bound by the articles; and
- (b) the articles contained covenants on the part of the corporation and each member to observe all the provisions of the articles.

(2.) Unless the articles of the corporation otherwise provide, an occupier of a unit, not being the proprietor of the unit, is bound by the articles of the corporation as if he were the proprietor of the unit.

Alteration of  
articles.

**80.—**(1.) A corporation may by special resolution alter its articles by amending, rescinding or adding to its articles or by making articles in the place of articles so rescinded.

(2.) Subject to the next succeeding sub-section, an alteration of the articles of a corporation under the last preceding sub-section—

- (a) has no force or effect unless a copy of the special resolution making the alteration, certified under the seal of the corporation as a true copy, is lodged with and registered by the Registrar; and
- (b) has force and effect on and from the date of its registration or such later date as is fixed by the special resolution.

(3.) To the extent that an alteration of the articles of a corporation made under the last two preceding sub-sections results in a provision of the articles—

- (a) being inconsistent with a provision of this Ordinance other than a provision in the Schedule to this Ordinance;
- (b) imposing a duty or conferring a power on the corporation which is not incidental or ancillary to the performance of the duties or functions, or the exercise of the powers, imposed or conferred on it by this Ordinance; or
- (c) prohibiting or restricting the devolution, transfer, lease or mortgage of, or any other dealing with—
  - (i) an interest in a unit; or
  - (ii) the equitable estate of the proprietor of a unit in the common property,

the alteration has no force or effect.

Application of  
Interpretation  
Ordinance.

**81.—**(1.) Part III. of the *Interpretation Ordinance* 1967 applies to and in relation to the articles of a corporation as if the articles were an Ordinance and as if each article were a section of an Ordinance.

(2.) Expressions used in the articles of a corporation have, unless the contrary intention appears, the same meaning as in this Ordinance.

#### PART VI.—INSURANCE.

Insurance by  
corporation.

**82.—**(1.) Subject to sub-section (3.) of this section, a corporation shall insure and keep insured all buildings and other improvements on

the parcel for their replacement value from time to time against all the following risks:—

- (a) fire, lightning, tempest, earthquake and explosion;
- (b) riot, civil commotion, strikes and labour disturbances;
- (c) malicious damage;
- (d) bursting, leaking and overflowing of boilers, water tanks, water pipes and associated apparatus; and
- (e) impact of aircraft (including parts of, and objects falling from, aircraft) and of road vehicles, horses and cattle.

(2.) Subject to the next succeeding sub-section, a corporation shall insure itself and keep itself insured against liability in respect of—

- (a) death, bodily injury or illness; or
- (b) loss of, or damage to, property,

occurring in connexion with the common property as a result of an accident, for such aggregate amount of liability, being not less than One hundred thousand dollars at any one time, as is determined by the corporation.

(3.) A corporation may, by unanimous resolution, resolve that it will not insure against such of the risks referred to in the last two preceding sub-sections as are specified in the resolution, and, in that event, the corporation is not required by this section to insure against a risk so specified.

(4.) Where a corporation has, under the last preceding sub-section, resolved that it will not insure against a particular risk, a proprietor or mortgagee of a unit may at any time serve on the corporation a written notice requiring it to insure against that risk.

(5.) Twenty-eight days after the receipt by the corporation of the notice, the unanimous resolution ceases to have effect in relation to the risk specified in the notice and the corporation shall, in accordance with sub-section (1.) or sub-section (2.) of this section, as the case may be, insure against that risk.

(6.) As soon as is practicable after the receipt by the corporation of the notice, the corporation shall notify every member and every mortgagee of a unit—

- (a) of the particulars of the notice and the date of its receipt; and
- (b) of the date on and from which the risk specified in the notice is, or is to be, covered by insurance effected by the corporation.

(7.) Nothing in this section shall be construed as limiting the right of a corporation to effect such additional insurance as it determines.

(8.) In this section, "risk" includes any liability referred to in sub-section (2.) of this section.

**83.** For all purposes connected with any insurance effected by it under sub-section (1.) of the last preceding section, a corporation shall be deemed to have an insurable interest in the buildings and improvements on the parcel to the extent of their replacement value.

Insurable  
interest of  
corporation.

Corporation's insurance moneys not to be brought into contribution.

**84.** The moneys received by a corporation under a policy of insurance effected by it under sub-section (1.) of section 82 of this Ordinance in respect of any buildings or other improvements on the parcel shall not be liable to be brought into contribution with moneys received under any other policy of insurance except another policy effected under that sub-section in respect of the same buildings or improvements.

Inspection of policies and receipts for premiums.

**85.** A corporation shall, on the written request of a member or the mortgagee of a unit, produce for inspection by the member or mortgagee the policy or policies of insurance effected by the corporation and the receipt or receipts for premiums paid under those policies.

Mortgage insurance of unit.

**86.** Where the estate or interest of the proprietor of a unit is subject to a mortgage or mortgages, the proprietor may effect one or more policies of insurance that indemnify him against liability under the mortgage or mortgages, being liability arising out of damage to, or destruction of, the unit.

Payment under policy.

**87.** Where a policy of insurance is in force under the last preceding section, the insurer is liable to pay to the mortgagee whose interest is noted on the policy or, if there are two or more such mortgagees, to those mortgagees in their order of registered priority—

- (a) the sum insured as stated in the policy;
- (b) the amount of the loss; or
- (c) the amount sufficient, at the date of the loss, to discharge the mortgage or mortgages noted on the policy,

whichever is the least amount.

Transfer of mortgagee's interest to insurer.

**88.** Payment by the insurer to a mortgagee under the last preceding section does not entitle the mortgagor to a discharge of the mortgage, but, upon that payment—

- (a) if the amount paid equals the amount necessary to discharge the mortgage, the insurer is entitled to obtain from the mortgagee a transfer of the mortgage; or
- (b) if the amount paid is less than the amount necessary to discharge the mortgage, the insurer is entitled to obtain from the mortgagee a transfer of an undivided share of the mortgagee's estate and interest in the mortgage that bears to that estate and interest the same proportion as the amount paid bears to the amount that was owing under the mortgage immediately before the payment.

Mortgage insurance moneys not to be brought into contribution.

**89.** The moneys received under a policy of insurance effected in relation to a unit by the proprietor of that unit under section 86 of this Ordinance shall not be brought into contribution with moneys received under any other policy of insurance except another policy effected under that section which indemnifies that person against liability arising out of damage to, or destruction of, that unit.

Other insurance by proprietor.

**90.** Nothing in this Part shall be construed as limiting the right of a proprietor of a unit to insure against damage to, or destruction of, the unit to the extent of its replacement value.

**91.** Subject to this Ordinance and to any order of the Court, where a corporation receives insurance moneys in respect of damage to, or destruction of, any building or improvement on the parcel, it shall, without delay, apply those moneys to rebuilding and reinstating the building or improvement.

Application of insurance moneys.

#### PART VII.—ADMINISTRATORS.

**92.—(1.)** A corporation, a creditor of a corporation, a person having an estate or interest in a unit or the Minister may apply to the Court for the appointment as administrator of the corporation of a person who has consented to act in that capacity.

Appointment of administrator.

**(2.)** On an application made under the last preceding sub-section, the Court may, in its discretion and on cause shown, by order appoint the person named in the application to be administrator of the corporation on such terms and conditions as to remuneration or otherwise as it thinks fit.

**(3.)** The remuneration of an administrator of a corporation and the expenses incurred by him in the performance of his duties and functions and the exercise of his powers as an administrator shall be deemed to be expenditure incurred by the corporation.

**93.** On an application made by the administrator, the corporation or a person referred to in sub-section (1.) of the last preceding section, the Court may, in its discretion, by order remove or replace the administrator.

Removal or replacement of administrator.

**94.** In an order under either of the last two preceding sections the Court shall give such directions as it thinks fit with respect to the giving of notice of the order to the Registrar and to the corporation.

Notice to Registrar and corporation of order under section 92 or 93.

**95.—(1.)** Subject to this section, the administrator of a corporation shall perform the duties, and may exercise the powers and perform the functions, of the corporation to the exclusion of the corporation and its committee.

Duties, functions and powers of administrator.

**(2.)** Except with the approval of the Court, the administrator of a corporation shall not do any act that is required by this Ordinance to be authorized by a unanimous resolution.

**(3.)** On application made to the Court by the administrator of a corporation or a person referred to in sub-section (1.) of section 92 of this Ordinance, the Court may give such directions as it thinks fit with regard to the manner in which the administrator shall perform his duties and functions and exercise his powers.

**96.—(1.)** An administrator may, by writing under his hand, delegate to any person, either generally or otherwise as provided by the instrument of delegation, all or any of his duties, functions and powers, except this power of delegation.

Administrator may delegate duties, functions and powers.

**(2.)** A duty so delegated shall be performed, and a function or power so delegated may be performed or exercised, by the delegate in accordance with the instrument of delegation.

**(3.)** A delegation under this section is revocable at will and does not prevent the performance of a duty or function, or the exercise of a power, by the administrator.

## PART VIII.—CANCELLATION AND ALTERATION OF UNITS PLANS.

Court may  
order  
cancellation  
of units plan.

97.—(1.) A corporation, the administrator of a corporation or all or any of the members of a corporation may apply to the Court for an order for the cancellation of the units plan.

(2.) A copy of an application under this section shall be served on the Registrar.

(3.) On an application made under the last preceding sub-section, the Court may make a provisional order, or a final order, for the cancellation of the units plan or may make an order dismissing the application.

(4.) The Court shall not make an order for the cancellation of a units plan unless it is satisfied that, having regard to the rights and interests of all persons having estates or interests (whether registered or not) in the leases of the units, it is just and equitable to do so.

(5.) If the Court considers, on an application for an order under this section, that it is necessary to impose conditions, and give directions, to be complied with before the making of a final order for the cancellation of the units plan for the purpose of protecting the interests of the Commonwealth or for the purpose of adjusting, as between all persons having registered estates or interests in the leases of the units, the respective rights and duties of those persons so far as they may be affected by the cancellation of the units plan, the Court shall make a provisional order for the cancellation of the units plan specifying the conditions and directions to be complied with before the making of a final order.

(6.) The Court may, if satisfied, on an application made for the purpose, that the conditions and directions specified in the provisional order have been complied with, make a final order for the cancellation of the units plan.

(7.) A final order may include directions to be complied with after the cancellation of the units plan and, in such a case, the order may be enforced as if it were a judgment of the Court obtained by a person for whose benefit the directions were given against the person required to comply with the directions.

Effect of  
registration of  
order for  
cancellation  
of units plan.

98.—(1.) On the registration of an order for the cancellation of a units plan—

- (a) the corporation is dissolved;
- (b) the lease of the common property and the lease of each of the units are determined;
- (c) the land comprised in those leases forms one parcel of land; and
- (d) the persons who were, immediately before the registration of the order, the proprietors of the units become possessed of an estate of leasehold in the parcel of land as tenants in common in undivided shares proportional to the unit entitlement of their respective units, or, if a person was, immediately before the registration of the order, the proprietor of all the units, that person becomes possessed of an estate of leasehold in the parcel of land, for the term

fixed under paragraph (a) of sub-section (3.) of this section and subject to the provisions, covenants and conditions applicable by reason of the succeeding sub-sections of this section, as if a lease of the parcel of land had been granted to them or to him, as the case may be, by the Commonwealth under the City Area Leases Ordinance for that term and subject to those provisions, covenants and conditions.

(2.) For the purposes of paragraph (d) of the last preceding sub-section, if, immediately before the registration of the order, two or more persons were proprietors, as joint tenants or as tenants in common, of a unit, two or more units or all the units, then, the share in the estate, or the whole estate, as the case may be, vested by that paragraph in those persons is vested in them jointly if they were joint tenants or, if they were tenants in common, is vested in them as tenants in common in the same shares as they held in the unit or units.

(3.) The provisions, covenants and conditions referred to in paragraph (d) of sub-section (1.) of this section are the provisions, covenants and conditions of the lease of the parcel that, by section 25 of this Ordinance, was determined on the registration of the units plan, modified as follows:—

- (a) the term of the lease referred to in that paragraph commences on the registration of the order and expires on the date on which the lease so determined would have expired if it had not been so determined; and
- (b) the rent reserved under the lease referred to in that paragraph is at the rate of an annual amount equal to the aggregate annual amount of the rents that, immediately before the registration of the order for the cancellation of the units plan, were payable under the leases of the units and, if the lease of a unit has been determined, the rent that would have been payable under the lease of that unit if it had not been determined.

(4.) The reference in the last preceding sub-section to the provisions, covenants and conditions of the lease of the parcel shall be read as including a reference to a provision, covenant or condition of that lease as varied under section 11A of the City Area Leases Ordinance on an application made before the registration of the units plan or an application made in contemplation of the application for the order for the cancellation of the units plan.

(5.) The share in the estate, or the estate, as the case may be, of which a person becomes possessed under paragraph (d) of sub-section (1.) of this section is subject to any mortgage and any easement referred to in section 13 of the *Real Property (Unit Titles) Ordinance 1970*.

**99.—(1.)** On the dissolution of a corporation under the last preceding section—

- (a) all rights, whether at law or in equity, vested in the corporation immediately before the dissolution are vested jointly in the persons who were, immediately before the dissolution, the members of the corporation;

Rights and liabilities of corporation vested in former members.

- (b) subject to the next succeeding sub-section, the persons who, immediately before the dissolution, were the members of the corporation are jointly and severally liable for all the liabilities of the corporation subsisting immediately before the dissolution; and
- (c) for the purposes of the last two preceding paragraphs, a reference in an instrument to the corporation shall be read as a reference to those persons.

(2.) On an application made to the Court before the order for the cancellation of the units plan is made, the Court may, if it considers, in the circumstances of the case, that it is just and equitable to do so, by order vary the operation of paragraph (a) or (b) of the last preceding sub-section in such manner as the Court thinks fit.

Approval of  
scheme for  
alteration of  
units plan.

**100.—(1.) Where—**

- (a) after the registration of a units plan, a building or other improvement on the parcel is damaged or destroyed;
- (b) an order for the cancellation of the units plan has not been made under this Part; and
- (c) an application for such an order is not pending,

an application may be made to the Court for an order approving a scheme that makes provision for the reinstatement of the building or other improvement, or, in a case where a unit has been damaged or destroyed, for the elimination of that unit and for any consequential alteration of the units plan.

(2.) An application under this section may be made by the corporation, by a majority of the members of the corporation jointly or, if an administrator of the corporation has been appointed, by the administrator.

(3.) A copy of an application under this section for the approval of a scheme providing for the elimination of a unit shall be served on the Registrar.

(4.) A scheme submitted for the approval of the Court shall include provisions showing—

- (a) the proposed reinstatement or elimination;
- (b) the manner in which it is proposed to apply insurance moneys paid or payable in respect of the damage or destruction;
- (c) the compensation or other moneys to be paid to the proprietor of a unit and any other person who may be adversely affected by the scheme; and
- (d) where the scheme provides for the elimination of a unit, the manner in which it is proposed that the units plan be altered, including any necessary alteration of the schedule of unit entitlement, to enable effect to be given to the scheme.

(5.) The Court may, on the hearing of an application under this section, make an order approving the scheme if it is satisfied that it is

just and equitable to do so and may, in the order, give such directions as it thinks are necessary or expedient to enable effect to be given to the scheme.

**101.** The Court, if satisfied, on an application made for the purpose, that the provisions of a scheme approved by it providing for the elimination of a unit (other than the provisions for the alteration of the units plan) have been carried out and that the directions (if any) given in the order approving the scheme have been complied with, shall make an order directing such alteration of the units plan as was approved by it.

Order of Court for alteration of units plan.

**102.** On the registration of an order for the alteration of a units plan, the units plan shall be deemed to be altered in the manner directed by the order of the Court and—

Effect of registration of order for elimination of unit.

- (a) the lease of the unit proposed to be eliminated is determined;
- (b) the land comprised in the lease of the common property shall be deemed to include the land that, immediately before the registration of the order, comprised that unit;
- (c) the aggregate rent payable under the leases of the remaining units is increased by the amount of the rent that would have been payable under the lease of the eliminated unit if the unit had not been eliminated, and the rent payable under the lease of each remaining unit is an amount that bears to that aggregate rent as so increased the same proportion as the unit entitlement of that remaining unit bears to the aggregate unit entitlement of all the remaining units; and
- (d) paragraph (a) of sub-section (3.) of section 27 of this Ordinance has effect as if a reference in that paragraph to the registration of the units plan were a reference to the registration of the order for the alteration of the units plan.

**103.** Each of the following persons has the right to appear and to be heard in support of, or in opposition to, an application made under section 97 or 100 of this Ordinance:—

Interested persons may be heard.

- (a) the corporation or, if an administrator has been appointed, the administrator;
- (b) a member of the corporation;
- (c) a person claiming to have an estate or interest in a unit;
- (d) an insurer who has effected insurance of a building or other improvement on the parcel; and
- (e) the Minister.

**104.** The Court shall, in a final order under section 97, or in an order under section 101, of this Ordinance, give such directions as it thinks fit with respect to the taking out of the order and the lodging of a copy of the order with the Registrar.

Directions for lodging orders with Registrar.

**105.** On the expiry of the terms of the leases of the units and the common property or, if the terms of the leases have been extended under section 108 of this Ordinance, on the expiry of the extended terms—

Expiry of terms of leases.

- (a) the corporation is dissolved;

- (b) the Commonwealth is liable to pay to the persons who were, immediately before the expiry of the terms or extended terms of those leases, the proprietors of the units, the value of the improvements on the parcel of land, the amount payable to each of those persons being an amount that bears to that value the same proportion as the unit entitlement of the unit of which that person was the proprietor bore to the aggregate unit entitlement of all the units; and
- (c) section 99 of this Ordinance applies as if the corporation had been dissolved by section 98 of this Ordinance and as if a reference in that section 99 to the order for the cancellation of the units plan were a reference to the expiry of the terms or extended terms of the leases.

#### PART IX.—MISCELLANEOUS.

Facilities for  
service of  
documents.

**106.**—(1.) A corporation shall cause to be continuously displayed in a conspicuous place on the parcel a notice showing the name of the corporation and the address shown on the units plan for service of documents.

(2.) A corporation shall cause to be continuously available in a conspicuous and accessible place on the parcel a receptacle suitable for purposes of postal delivery, bearing the name of the corporation in clear and legible characters.

Penalty: Fifty dollars.

Service of  
documents.

**107.** A document may be served on a corporation—

- (a) by sending it by prepaid post as a letter properly addressed to the corporation at the address shown on the units plan for service of documents; or
- (b) if that address for service is the postal address of the building on the parcel—by placing it in the receptacle referred to in sub-section (2.) of the last preceding section.

Minister  
may extend  
terms of  
leases of units  
and common  
property.

**108.**—(1.) In this section—

“expiry date”, in relation to a lease, means the date of expiry of the term of that lease;

“term” includes a term as extended under this section.

(2.) Where a corporation, at least twelve months or, if the Minister so allows, at any time before the expiry date of the leases of the units and the common property, applies in writing to the Minister for an extension of the terms of all those leases, the Minister—

- (a) if, at least three months before the expiry date, he decides to sub-divide the parcel in a manner other than the sub-division effected by this Ordinance or decides that the parcel or a part of the parcel is required for a Commonwealth purpose—shall, by notice in writing, refuse the application; or

(b) in any other case—shall, by instrument in writing, authorize the extension of the terms of all those leases for such period as is specified in the instrument, being—

- (i) the same period for all those leases; and
- (ii) a period of not less than five years.

(3.) A notice given under paragraph (a) of the last preceding sub-section shall be sent or delivered to the corporation so that it is received by the corporation at least three months before the expiry date.

(4.) An instrument authorizing the extension of the terms of the leases shall be sent or delivered to the corporation as soon as practicable after it has been made.

(5.) On receipt of an instrument under the last preceding sub-section, the corporation may lodge it with the Registrar for registration under the *Real Property (Unit Titles) Ordinance* 1970 and, if the instrument is so registered before the expiry date, the terms of the leases are extended accordingly.

(6.) The lessee under a lease the term of which is extended under this section is not liable to make any payment to the Commonwealth for improvements on the land comprised in the lease.

109.—(1.) Where the Registrar, under section 18 of the *Real Property (Unit Titles) Ordinance* 1970, enters on a units plan a memorial of the determination of the lease of a unit—

Effect of  
determination  
of lease of  
unit.

- (a) the estate and interest of the lessee in that unit is determined;
- (b) the land that was, immediately before the endorsement, comprised in the lease continues to be a unit notwithstanding the determination; and
- (c) the schedule of unit entitlement has effect as if—
  - (i) the unit entitlement of that unit were omitted; and
  - (ii) the aggregate unit entitlement of all the units were reduced by the amount of the unit entitlement of that unit.

(2.) After the determination of the lease of a unit and until a further lease of that unit is granted, the amount of rent payable by the proprietors of the other units and the amount of rates payable by those persons under the *Rates Ordinance* 1926-1967 are the amounts of rent and rates, respectively, that would have been payable by those persons if the lease of that unit had not been determined.

(3.) After the determination of the lease of a unit and until a further lease of that unit is granted—

- (a) the easements created by section 27 of this Ordinance as appurtenant to that unit and, in relation to that unit, as appurtenant to the other units and to the common property continue, and those easements are enforceable by and against the Minister as if he were the proprietor of that unit; and

- (b) a person authorized by the Minister in writing has the same rights relating to the use of the common property as the proprietor of that unit would have had if the lease had not been determined.

Further lease  
of unit.

**110.**—(1.) Where, after the determination of the lease of a unit, a person becomes entitled under the City Area Leases Ordinance to the grant of a lease of the unit, the Minister shall cause to be lodged with the Registrar written notice of that fact and shall cause to be given to the relevant corporation written notice of that fact and of that lodgment.

(2.) On the entry on the units plan of a memorial under section 19 of the *Real Property (Unit Titles) Ordinance 1970*, the person entitled to the grant of the lease becomes possessed of an estate of leasehold in the unit for the term referred to in the next succeeding sub-section and subject to the provisions, covenants and conditions set out in the units plan in relation to that unit as if a lease of that unit for that term and subject to those provisions, covenants and conditions had been granted to him by the Commonwealth under the City Area Leases Ordinance.

(3.) The term of the lease commences on the registration of the notice and expires on the date specified in the units plan as the date on which the terms of the leases of the other units will expire.

(4.) The estate of leasehold of which a person becomes possessed under this section is subject to, and has appurtenant to it, the easements created by section 27 of this Ordinance.

(5.) Notwithstanding sub-section (3.) of this section, rent is payable under the lease as from the date on which the person became entitled to the grant of the lease.

Unit entitlement  
includes  
further lease.

**111.** On the entry on the units plan of memorials under section 19 of the *Real Property (Unit Titles) Ordinance 1970*, the schedule of unit entitlement has the same effect as it had immediately before the entry was made on that schedule under section 18 of that Ordinance.

Evidence of  
resolutions.

**112.** A document bearing the seal of the corporation and stating that—

- (a) at a general meeting held on a specified date a resolution in the terms set out in the document was passed; and  
(b) the resolution was a unanimous, special or ordinary resolution,

is evidence of the facts stated in the document.

Enforcement  
of Ordinance.

**113.**—(1.) Where a corporation fails to carry out a requirement or perform a duty imposed on it by this Ordinance, a proprietor or mortgagee of a unit may apply to the Court for an order requiring the corporation or the committee to carry out the requirement or perform the duty, as the case may be.

(2.) On an application made under the last preceding sub-section the Court may, if it is satisfied that the failure has occurred, make such order as it thinks just.

**114.** The Court is invested with jurisdiction in all applications made to it under this Ordinance. Jurisdiction conferred on Court.

**115.—(1.)** On and after the registration of a units plan, and unless and until that units plan is cancelled under Part VIII.— Application of Rates Ordinance.

- (a) the land comprised in the common property and units shall be deemed, for the purposes of the *Rates Ordinance* 1926-1967, to form one parcel of land;
- (b) the rates imposed under that Ordinance in respect of the parcel are payable by the members of the corporation, the amount payable by each member being an amount that bears to the total amount of rates the same proportion as the unit entitlement of his unit bears to the aggregate unit entitlement of all the units; and
- (c) no rates in respect of the parcel are payable under that Ordinance by the corporation.

**(2.)** For the purposes of the application of the *Rates Ordinance* 1926-1967 under the last preceding sub-section—

- (a) a reference in sections 5, 7, 8, 9, 10, 11, 12, 13 and 14, sub-section (7.) of section 15, sections 29, 30 and 33, sub-section (1.) of section 34 and section 35 of that Ordinance to a parcel of land shall be read as a reference to the parcel;
- (b) a reference in sub-sections (1.), (2.), (4.), (5.), (6.), (8.) and (9.) of section 15 of that Ordinance to a parcel of land shall be read as a reference to a unit;
- (c) a reference in sections 10, 12, 14, 29, 30 and 33, sub-section (1.) of section 34 and section 35 of that Ordinance to the owner shall be read as a reference to the corporation;
- (d) a reference in sections 15, 22, 23, 24, 26, 28 and 28A and sub-section (2.) of section 34 of that Ordinance to the owner shall be read as a reference to the relevant member of the corporation;
- (e) a reference in sub-section (10.) of section 15 and sub-section (2.) of section 34 of that Ordinance to a parcel of land shall be read as a reference to the parcel or a unit, as the case requires; and
- (f) sub-section (1.) and (2.) of section 26 of that Ordinance do not apply to or in relation to the service of a notice on the corporation.

**(3.)** For the purposes of the calculation of any amount in pursuance of this section—

- (a) a fraction of a cent that does not exceed half a cent shall be disregarded; and
- (b) a fraction of a cent that exceeds half a cent shall be regarded as One cent.

**116.** There are payable in respect of applications (other than applications (other than applications to the Court) and other matters under this Ordinance such fees as are specified in, or ascertained in accordance with, the regulations. Fees.

## Regulations.

**117.** The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters that are required or permitted to be prescribed by this Ordinance or are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

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THE SCHEDULE

Section 78.

## ARTICLES

1. In these Articles, unless the contrary intention appears, "the Ordinance" means the *Unit Titles Ordinance 1970*.

2.—(1.) In this article, "authorized agent" means a person authorized by the Corporation for the purposes of this article.

(2.) Subject to this article, an authorized agent may, at all reasonable times—

- (a) inspect a unit for the purpose of ascertaining whether or not the Ordinance and these Articles are being observed;
  - (b) carry out in, on or to a unit any maintenance, repairs or work that the corporation is, by the Ordinance or these Articles, required to carry out in, on or to the unit;
  - (c) carry out in, on or to a unit the functions imposed, exercise the powers conferred, and perform the duties imposed, by the Ordinance and these Articles on the Corporation in so far as they relate to the unit,
- and may, for any of those purposes, enter and remain in or on the unit for such period as is reasonably necessary for the purposes of doing any act referred to in this article.

(3.) An authorized agent shall not do any act referred to in this article unless—

- (a) the Corporation or the authorized agent has given to the proprietor of the unit or to the occupier or user of the unit reasonable notice of his intention to enter in or on the unit or to do the act; or
- (b) by reason of an emergency, it is essential that the act be done without notice having been so given.

3. Each member of the Corporation shall—

- (a) pay all rates, taxes, charges, outgoings and assessments payable in respect of his unit;
- (b) repair and maintain his unit and keep his unit in a state of good repair;
- (c) if he agrees to transfer the lease of his unit to another person, forthwith give notice of the fact to the Corporation;
- (d) comply with any requirement made by or under any law in force in the Territory to carry out repairs or to do any work or thing in relation to his unit;
- (e) if his unit is to be unoccupied for a continuous period exceeding thirty days, give notice of the fact to the Corporation;
- (f) if a change occurs in the occupancy of his unit, notify the Corporation of that fact and of the name of the person who will occupy the unit.

4. A member of the Corporation—

- (a) shall not use the common property or permit it to be used so as unreasonably to interfere with the use and enjoyment of the common property by another member of the Corporation, by the occupier or user of another unit or by an invitee or licensee of such a member or person;
- (b) shall not use his unit or permit it to be used in such a manner as to cause a nuisance, hazard or substantial annoyance to another member of the Corporation or an occupier or user of another unit or to an invitee or licensee of such a member or person;
- (c) make within his unit or on the common property such a noise as might reasonably, in the circumstances, cause substantial annoyance to another member of the Corporation or to the occupier or user of another unit;
- (d) use his unit, or permit it to be used, in a manner that results in there being a contravention of a law in force in the Territory;
- (e) except in accordance with the express permission contained in a unanimous resolution of the Corporation and in accordance with the provisions of any law in force in the Territory applicable in the circumstances, erect or alter any structure in or on his unit; and

THE SCHEDULE—*continued*

- (f) except in accordance with the written permission of the Corporation (which permission may be withdrawn at any time by written notice given in pursuance of a special resolution of the Corporation), keep any animals or birds in or on his unit or the common property.

5. A person who becomes the proprietor of a unit shall, within seven days after lodging with the Registrar for registration the instrument under which he has become the proprietor of the unit, give to the Corporation notice that he has become the proprietor of the unit.