

PRACTICE CIRCULAR 2 OF 2005

To All Law Firms/Law Organisations

Amendments to the Land Titles (Strata) Act for two-tier management corporation system, staged developments and other matters

The new Building Maintenance and Strata Management Act (BMSMA) which introduces several consequential amendments to the Land Titles (Strata) Act is effective 1 April 2005 (except Part VII which is expected to come into force on 1 May 2005).

2. Apart from the technical amendments, your attention is drawn to these significant legislative changes:

(A) Two-tier Management Corporations (MCs)

(i) Creation of Limited Common Property (LCP) and two-tier Management Corporation (MC) system for new developments

The BMSMA enables subsidiary management corporations (sub-MCs) to be created (2nd tier) within the main MC (1st tier) of a strata development. Each sub-MC will represent the interests of a user group (e.g. residential, office or shop) that comprises strata lot owners having a common interest.

Developers adopting the 2-tier MC system for new developments must:

- a) delineate the LCP clearly on the Strata Title Plan;
- b) file the STP with the Chief Surveyor; and
- c) register the Strata Title Application for the issue of subsidiary strata certificates of title (SSCTs) by the Registrar of Titles.

Note: LCP is part of the common property of a strata development that is delineated to belong to a sub-MC for the exclusive benefit and management of the subsidiary proprietors constituting the sub-MC.

Solicitors acting for developers should use the form at Annex A of Registrar's Practice Circular 1 of 2005. Solicitors must state the number of sub-MCs, the sub-MC numbers (e.g. Sub-MC No. 1, Sub-MC No. 2, etc.) and addresses for service of notice and the respective strata lots comprising each sub-MC. Upon registration, the Registrar of Titles will issue the certificates of constitution (CMC) for the main MC as well as the sub-MCs.

(ii) Conversion of existing developments to 2-tier MC system

The BMSMA provides for the Minister for National Development to allow existing developments to be converted to the 2-tier MC system if the stipulated conditions are met. The MC has to notify the Registrar of the conversion by lodging an application at the Registry. The Registrar will issue the CMC for the sub-MCs upon registration of the application.

A new form “Application for Notification of Conversion from Single to 2-tier Management Corporation” (Annex 1) will be introduced.

(iii) Merger of Subsidiary Management Corporations

Sub-MCs may amalgamate their respective limited common properties to constitute a single sub-MC for the amalgamated limited common property. Solicitors acting for the sub-MCs can use the new form “Application for Notification of Merger of Subsidiary Management Corporations” (Annex 2) to notify the Registrar. The Registrar will issue the CMC for the amalgamated sub-MC upon registration of the application.

(iv) Dissolution of Subsidiary Management Corporations

A sub-MC may be dissolved and its LCP re-designated as common property if both the main MC and sub-MC resolve to dissolve the sub-MC. A new form “Application for Notification of Dissolution of Subsidiary Management Corporation” (Annex 3) must be lodged with the Registrar for registration.

All these new forms will be available on the Singapore Land Authority’s website at www.sla.gov.sg as from 1 April 2005.

(B) Staged developments

When Part VII of BMSMA comes into force, it will be possible for developers to sell and complete new developments in stages over a period of time (“staged developments”).

To enable this, share values can be varied within prescribed limits to reflect changes in subsequent stages of the development. Developers will have to lodge a Strata Title Application for the issue of SSCTs upon completion of each stage of the staged development.

(i) Strata Title Application

A new Strata Title Application form for staged developments (Annex 4) will be introduced. Solicitors acting for developers must state in the Schedule of Entitlement, the share values for all the strata lots in the completed stage for which SSCTs are to be issued (i.e. the current stage).

Particulars for the “Preceding stage(s)” in the Schedule of Entitlement are only required if a stage other than the 1st stage of the Strata Title Application is lodged.

For identification purpose, strata lots will be given to all the future development lots. The aggregate provisional share values for all the future development lots in each subsequent stage are also required to be shown in the Schedule of Entitlement.

The total number of stages has to be stated in the application. The same application form incorporates both application for SSCTs for the

strata lots in the 1st stage and the future development lots. If sub-MCs are to be created, the number of sub-MCs, the sub-MC numbers and addresses for service of notice and the respective strata lots constituting each sub-MC must be stated in the application. The sub-MC number has to be reflected against the relevant strata lots in the Schedule of Entitlement.

Strata Title Applications for all stages in a development are to be lodged against the certificate of title comprising the parcel.

(ii) Share values of strata lots

The share value of each strata lot prior to completion of the staged development shall be the share value of the strata lot divided into the aggregate share value of the completed stages of the development.

Where an application has been lodged for issue of SSCTs on completion of every subsequent stage of a staged development, the Registrar will amend the share values of the affected strata lots in the SSCTs issued for the preceding stage(s). The amended SSCTs will only be generated by STARS for release as and when there are new transactions registered against these SSCTs. However, the persons entitled to the SSCTs can apply for and exchange the SSCTs in their possession for the updated version of the SSCTs by forwarding the SSCTs to the Registry. A fee of \$20.40 per SSCT is payable.

(iii) Developer's sale of the residue of a staged development

Should the developer of a staged development decide to sell the residue of the development lot, a Transfer in the form at Annex 5 will have to be lodged. As this will result in the conclusion of the development, the solicitor acting for the developer is required to furnish the certificate known as "Certificate of Conclusion of Staged Development".

The Strata Title Application and Transfer forms for staged developments will be available on SLA's website when Part VII of the BMSMA is effective.

(C) Dispositions of and addition to common property

It will no longer be necessary to seek the Registrar's consent to the transfer of any part of common property by the MC or the transfer of a strata lot to form part of common property.

Date: 28 March 2005

VINCENT HOONG
REGISTRAR OF TITLES

THE LAND TITLES (STRATA) ACT

(For Official use only)

**APPLICATION FOR NOTIFICATION OF CONVERSION
FROM SINGLE TO 2-TIER MANAGEMENT CORPORATION****(A) DESCRIPTION OF LAND**

CT (comprising the common property)		MK	TS	Lot No
Vol	Fol			

SSCT		MK	TS	Strata Lot
Vol	Fol			

(B) THE APPLICANT

Name	The Management Corporation - Strata Title Plan No.
Address (within Singapore for service of notice)	

APPLIES to the Registrar of Titles for the notification in the land-register of our conversion from a single tier to 2-tier management corporation.

_____ subsidiary management corporations are to be created as follows:-

Name	The Subsidiary Management Corporation No. (Strata Lots to)
Address (within Singapore for service of notice)	
Name	The Subsidiary Management Corporation No. (Strata Lots to)
Address (within Singapore for service of notice)	

Note:- Please insert if there are more subsidiary management corporations

A copy of the comprehensive resolution has been filed with the Chief Surveyor in accordance with section 78(4)(b) of the Building Maintenance and Strata Management Act.

(C) **DATE OF APPLICATION** : _____

(D) **EXECUTION BY APPLICANT (THE MANAGEMENT CORPORATION)**

The Common Seal of the
Applicant was hereunto affixed
in the presence of :-

(Names & Signatures of 2 Members of the Council)

(E) **CERTIFICATE OF CORRECTNESS**

I, the solicitor for the Applicant hereby certify that this instrument is correct for the purposes of the Land Titles Act and that I hold a practising certificate which is in force as at the date of the instrument.

NAME & SIGNATURE OF SOLICITOR FOR THE APPLICANT

FOR OFFICE USE ONLY

REGISTERED ON

Initials of
Signing Officer :

for REGISTRAR OF TITLES

Note : - This portion shall be printed or typed on the reverse side of the last page of the instrument.

THE LAND TITLES (STRATA) ACT

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**APPLICATION FOR NOTIFICATION OF MERGER OF SUBSIDIARY
MANAGEMENT CORPORATIONS****(C) DESCRIPTION OF LAND**

CT (comprising the common property)		MK	TS	Lot No
Vol	Fol			

SSCT		MK	TS	Strata Lot
Vol	Fol			

(D) THE APPLICANT

Name	The Subsidiary Management Corporation No. - Strata Title Plan No.
Address (within Singapore for service of notice)	
Name	The Subsidiary Management Corporation No. - Strata Title Plan No.
Address (within Singapore for service of notice)	

APPLIES to the Registrar of Titles to notify in the land-register our merger to constitute a single subsidiary management corporation known as :

Name	The Subsidiary Management Corporation No. - Strata Title Plan No.
Address (within Singapore for service of notice)	

Note:- The form of application is applicable to merger of 2 subsidiary management corporations. If there are more than 2, the form should be suitably adapted.

AND LODGE –

1. A certified true copy of the comprehensive resolution in accordance with section 78(7) of the Building Maintenance and Strata Management Act.

(C) **DATE OF APPLICATION** : _____

(D) **EXECUTION BY APPLICANT (THE SUBSIDIARY MANAGEMENT CORPORATION NO. _____)**

The Common Seal of the
Applicant was hereunto affixed
in the presence of :-

(Names & Signatures of 2 Members of the Council)

(E) **EXECUTION BY APPLICANT (THE SUBSIDIARY MANAGEMENT CORPORATION NO. _____)**

The Common Seal of the
Applicant was hereunto affixed
in the presence of :-

(Names & Signatures of 2 Members of the Council)

(F) **CERTIFICATE OF CORRECTNESS**

I, the solicitor for the Applicant hereby certify that this instrument is correct for the purposes of the Land Titles Act and that I hold a practising certificate which is in force as at the date of the instrument.

NAME & SIGNATURE OF SOLICITOR FOR THE APPLICANT

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THE LAND TITLES (STRATA) ACT

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**APPLICATION FOR NOTIFICATION OF DISSOLUTION
OF SUBSIDIARY MANAGEMENT CORPORATION****(E) DESCRIPTION OF LAND**

CT (comprising the common property)		MK	TS	Lot No
Vol	Fol			

SSCT		MK	TS	Strata Lot
Vol	Fol			

(F) THE APPLICANT

Name	The Management Corporation - Strata Title Plan No.
Address (within Singapore for service of notice)	
Name	The Subsidiary Management Corporation No. - Strata Title Plan No.
Address (within Singapore for service of notice)	

APPLIES to the Registrar of Titles to notify the dissolution of the above Subsidiary Management Corporation in the land-register

AND HEREBY LODGE –

1. A certified true copy of the comprehensive resolution in accordance with section 84(2) of the Building Maintenance and Strata Management Act

(C) **DATE OF APPLICATION** : _____

(D) **EXECUTION BY APPLICANT (THE MANAGEMENT CORPORATION)**

The Common Seal of the
Applicant was hereunto affixed
in the presence of :-

(Names & Signatures of 2 Members of the Council)

(E) **EXECUTION BY APPLICANT (THE SUBSIDIARY MANAGEMENT CORPORATION)**

The Common Seal of the
Applicant was hereunto affixed
in the presence of:

(Names & Signatures of 2 Members of the Council)

(F) **CERTIFICATE OF CORRECTNESS**

I, the solicitor for the Applicant hereby certify that this instrument is correct for the purposes of the Land Titles Act and that I hold a practising certificate which is in force as at the date of the instrument.

NAME & SIGNATURE OF SOLICITOR FOR THE APPLICANT

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THE LAND TITLES (STRATA) ACT

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STRATA TITLE APPLICATION (Staged Development)

(A) DESCRIPTION OF LAND

*CT/SSCT		MK	TS	Lot No	Name of Development (if any)
Vol	Fol				

Total No. of Stages in this development : +_____

(B) APPLICANT

If more than ONE applicant, please see explanatory notes

ID / Co regn no	
Name	
Address (within Singapore for service of notice)	

(C) as proprietor of the land above described, REQUESTS the Registrar of Titles to :-

(a) REGISTER this Application; and

(b) ISSUE ** _____ Subsidiary Strata Certificates of Title for the lots shown in the Strata Title Plan which has been lodged with and approved by the Chief Surveyor for Stage No.++_____ (current stage) of the development; and

***(c) AMEND the share values of the strata lots in the preceding Stage No.++_____

(D) The share values (in whole numbers) of the strata lots are as shown in Annex A.

* Delete what is not applicable.

** Insert the number of SSCTs to be issued

***Delete if this application relates to SSCTs to be issued for Stage 1

+Insert the number of stages in the development

++Insert the Stage number

(Please delete item E if there are no subsidiary management corporations to be created)

(E)) * _____ subsidiary management corporations are to be created as follows:

Name	The Subsidiary Management Corporation No. (Strata Lots _____ to _____)
Address (within Singapore for service of notice)	
Name	The Subsidiary Management Corporation No. (Strata Lots _____ to _____)
Address (within Singapore for service of notice)	

Note: Please insert accordingly if there are more than two subsidiary management corporations

(F) **DATE OF APPLICATION** : _____

(G) **EXECUTION BY APPLICANT**

Signature : _____

Witness : _____

**** (H) MORTGAGEE'S CONSENT**

We, _____, the Mortgagees in Mortgage No./ _____ /Deed Vol _____ No _____ hereby consent to the above application

Signature : _____

Witness : _____

(I) **CERTIFICATE OF SHARE VALUES**

(For developments where planning permission for the erection of building(s) was granted on or after 15 April 1976)

I, the solicitor for the Applicants, hereby certify that the share values of the strata lots in Annex A are those filed with and accepted by the Commissioner of Buildings.

Name & Signature of Solicitor

* State the number of subsidiary management corporations to be created (if any)

**Where land is subject to a mortgage, the mortgagee's written consent to the application is required.

(J) CERTIFICATE OF CORRECTNESS

I, the solicitor for the Applicant hereby certify that this instrument is correct for the purposes of the Land Titles Act and that I hold a Practising Certificate which is in force as at the date of the instrument.

NAME & SIGNATURE OF SOLICITOR FOR THE APPLICANT

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SCHEDULE OF ENTITLEMENT

Parcel comprising Lot _____ *MK/TS _____

Property Address: _____
_____Address for service of notices] _____
on management corporation] _____

Current stage (Stage No. _____)

Sub-MC No.	Strata Lot No.	Share Value
	Total Share Value:	

Preceding stage(s)

Stage No.	Sub-MC No.	Strata Lot Nos. (in range)
Total No. of strata lots in Preceding Stage(s):		Total Share Value allotted to Preceding Stage(s):
Total No. of strata lots in Preceding and Current Stages:		Total Share Value allotted to Preceding and Current Stages:

Future stage(s)

Stage No.	Future Development Lot No.	Provisional share value
Aggregate share value allotted to all stages:		

*Please delete what is not applicable

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THE LAND TITLES ACT

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TRANSFER**(Pursuant to sale of residue in a staged development)****(A) DESCRIPTION OF LAND**

If an SCT has not been issued for the lease, please cancel the Vol & Fol No. and simply state the Lease No.

*SSCT/SCT			TS	Strata Lot	Property Address
Vol	Fol				

(B) TRANSFEROR

ID / Co regn no	
Name	
Address (within Singapore for service of notice)	

TRANSFERS the land to

(C) TRANSFeree

If more than ONE transferee, please refer to explanatory notes.

ID / Co regn no	
Name	
Citizenship / Place of Incorporation	
Non-Citizen	* Permanent Resident / Non-Permanent Resident
Address (within Singapore for service of notice)	

* Please delete what is not applicable

to hold as

** Manner of Holding	
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** To complete where there are co-owners. To delete if not applicable.

(D) **PRIOR ENCUMBRANCES** (to state "nil" if there are none):

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(E) **DATE OF CONTRACT** : _____
(Made between the
Transferor and Transferee)

(F) **CONSIDERATION**
Transferor ACKNOWLEDGES RECEIPT of

* \$ _____

* Others (Please specify)

* Please delete what is not applicable

(G) **DATE OF TRANSFER** : _____

(H) **EXECUTION BY TRANSFEROR**

Signature : _____

Witness : _____

(I) * **CERTIFICATES PURSUANT TO THE RESIDENTIAL PROPERTY ACT AND THE LAND TITLES RULES AND PRACTICE CIRCULARS :**

* For relevant certificates, refer to the Registrar's Practice Directions.

(J) **SIMILAR INTEREST CONFIRMATION (if any)**

I, _____ the solicitor for the Transferee hereby confirm that the interest of the Transferee is similar to that in Caveat CV / _____.

NAME & SIGNATURE OF SOLICITOR FOR THE TRANSFEREE

(K) **CERTIFICATE OF CONCLUSION OF STAGED DEVELOPMENT**

I, the solicitor for the Transferor hereby certify that the staged development has concluded.

NAME & SIGNATURE OF SOLICITOR FOR THE TRANSFEROR

(L) **CERTIFICATE OF CORRECTNESS**

I, the solicitor for the Transferor hereby certify that this instrument is correct for the purposes of the Land Titles Act and that I hold a practising certificate which is in force as at the date of the instrument.

NAME & SIGNATURE OF SOLICITOR FOR THE TRANSFEROR

I, the solicitor for the Transferee hereby certify that this instrument is correct for the purposes of the Land Titles Act and that I hold a practising certificate which is in force as at the date of the instrument.

NAME & SIGNATURE OF SOLICITOR FOR THE TRANSFEREE

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