

# STRATA TITLES (AMENDMENT) ACT 1987 No. 147

NEW SOUTH WALES



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1973

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**STRATA TITLES (AMENDMENT) ACT 1987 No. 147**

NEW SOUTH WALES



**Act No. 147, 1987**

An Act to amend the Strata Titles Act 1973 with respect to the rights and privileges that may be conferred on individuals in relation to common property in a strata scheme and in other respects. [Assented to 30 September 1987]

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See also Strata Titles (Leasehold) Amendment Act 1987.

*Strata Titles (Amendment) 1987*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the "Strata Titles (Amendment) Act 1987".

**Commencement**

2. (1) Except as provided by this section, this Act shall commence on the date of assent to this Act.

(2) The several provisions of Schedules 1 and 2 shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

(3) Section 3, in its application to a provision of Schedule 1 or 2, commences on the day on which the provision commences.

**Amendment of Act No. 68, 1973**

3. The Strata Titles Act 1973 is amended in the manner set forth in Schedules 1 and 2.

**Savings and transitional provisions**

4. Schedule 3 has effect.

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**SCHEDULE 1**

(Sec. 3)

**AMENDMENTS TO THE STRATA TITLES ACT 1973 CONCERNING  
INDIVIDUAL RIGHTS AND PRIVILEGES IN RELATION TO  
COMMON PROPERTY**

(1) Section 8 (**Registration of strata plans**)—

(a) Section 8 (1) (f)—

Omit "and" where lastly occurring.

*Strata Titles (Amendment) 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE STRATA TITLES ACT 1973 CONCERNING  
INDIVIDUAL RIGHTS AND PRIVILEGES IN RELATION TO  
COMMON PROPERTY—*continued*

## (b) Section 8 (1) (g), (h)—

At the end of section 8 (1) (g), insert:

; and

(h) any requisition made by the Registrar-General with respect to the registration of any instrument referred to in section 58 (7B) lodged in connection with registration of the plan is complied with.

(2) Section 23 (**Folio where there is common property**)—

## (a) Section 23 (2) (d)—

Omit “parcel and”, insert instead “parcel,”.

## (b) Section 23 (2) (d)—

After “parcel” where secondly occurring, insert “and any right of exclusive use and enjoyment, or any privilege, created by a by-law of the kind referred to in section 58 (7)”.

(3) Section 58 (**By-laws**)—

## (a) Section 58 (2)—

Omit “in subsection (7) or”, insert instead “by subsection”.

## (b) Section 58 (7), (7AA)—

Omit section 58 (7), insert instead:

(7) Without limiting the generality of any other provision of this section, a by-law may, with the written consent of the proprietor or proprietors of the lot or lots concerned, be made under subsection (2) for or with respect to conferring on the proprietor of a lot specified in the by-law, or the proprietors of several lots so specified—

(a) a right of exclusive use and enjoyment of; or

(b) special privileges in respect of,

SCHEDULE 1—*continued*AMENDMENTS TO THE STRATA TITLES ACT 1973 CONCERNING  
INDIVIDUAL RIGHTS AND PRIVILEGES IN RELATION TO  
COMMON PROPERTY—*continued*

the whole or any specified part of the common property, upon conditions (including the payment of money, at specified times or as required by the body corporate, by the proprietor or proprietors of the lot or lots concerned) specified in the by-law.

(7AA) A by-law referred to in subsection (7) shall either—

- (a) provide that the body corporate shall continue to be responsible for the proper maintenance, and keeping in a state of good and serviceable repair, of the common property or the relevant part of it; or
- (b) impose on the proprietor or proprietors of the lot or lots concerned the responsibility for that maintenance and upkeep,

and in the case of a by-law that confers rights or privileges on more than one proprietor, any money payable by virtue of the by-law by the proprietors concerned—

- (c) to the body corporate; or
- (d) to any person for or towards the maintenance or upkeep of any common property,

shall, except to the extent that the by-law otherwise provides, be payable by the proprietors concerned proportionately according to the relative proportions of their respective unit entitlements.

(c) Section 58 (7B)–(9)—

Omit section 58 (8) and (9), insert instead:

(7B) If a plan lodged under section 8 for registration as a strata plan is accompanied by an instrument, in a form approved under the Real Property Act 1900, containing the terms of a proposed by-law of the kind referred to in subsection (7)—

- (a) a by-law in those terms shall be deemed to have been made, and to take effect, on registration of the plan; and

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INDIVIDUAL RIGHTS AND PRIVILEGES IN RELATION TO  
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(b) the by-law so made may be amended, added to or repealed in the same way as a by-law made by the body corporate under subsection (2).

(8) A by-law referred to in subsection (7), while it remains in force, continues to operate for the benefit of, and (subject to section 70 (3)) is binding upon, the proprietor or proprietors for the time being of the lot or lots specified in the by-law.

(9) To the extent to which such a by-law makes a person directly responsible for the proper maintenance, and keeping in a state of good and serviceable repair, of any common property, it discharges the body corporate from its obligations under section 68 (1) (b).

(4) Section 113A (**Commissioner may make certain by-laws**)—

Omit the section.

(5) Section 120 (**Order revoking amendment of by-law or reviving repealed by-law**)—

Section 120 (3)—

After “lot”, insert “, or proprietors of the lots,”.

(6) Section 120A—

After section 120, insert:

**Orders with respect to by-laws conferring exclusive rights or privileges over common property**

120A. (1) If a Board finds—

- (a) on application made by a proprietor, that the body corporate has unreasonably refused to make a by-law of the kind referred to in section 58 (7);
- (b) on application made by a proprietor or a body corporate, that the proprietor of a lot has unreasonably refused to consent to the terms of a proposed by-law of that kind, or to the proposed amendment or repeal of such a by-law; or

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SCHEDULE 1—*continued*

AMENDMENTS TO THE STRATA TITLES ACT 1973 CONCERNING  
INDIVIDUAL RIGHTS AND PRIVILEGES IN RELATION TO  
COMMON PROPERTY—*continued*

(c) on application made by any interested person, that the conditions of such a by-law relating to the maintenance or upkeep of any common property are unjust,

the Board may, subject to subsection (3), determine the application by an order prescribing the making, amendment or repeal, in terms of the order, of any such by-law or may, if it thinks fit, dismiss the application.

(2) In considering whether to make an order under this section, the Board shall have regard to—

- (a) the interests of all proprietors in the use and enjoyment of their lots and common property; and
- (b) the rights and reasonable expectations of any proprietor deriving or anticipating a benefit under a by-law of the kind referred to in section 58 (7).

(3) The Board shall not determine an application referred to in subsection (1) (a) by an order prescribing the making of a by-law in terms to which the applicant is not prepared to consent.

(4) An order under this section, when recorded under section 141, has effect, subject to any order of a superior court, as if its terms were a by-law.

(7) Section 141 (**Recording in Register of effect of certain orders**)—

Section 141 (1) (a)—

Omit “113A, 119, 120, 121”, insert instead “119, 120, 120A, 121”.

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## SCHEDULE 2

(Sec. 3)

MISCELLANEOUS AMENDMENTS TO THE STRATA TITLES ACT  
1973(1) Section 5 (**Interpretation**)—

## (a) Section 5 (1), definition of “Board”—

Omit “referred to in subsection (6)”, insert instead “constituted in accordance with section 98A”.

## (b) Section 5 (1), definition of “proprietor”—

(i) From paragraph (a), omit “or (c)”.

(ii) At the end of paragraph (a), insert “or”.

(iii) Omit paragraphs (b) and (c), insert instead:

(b) a person whose name has been entered on the strata roll as a proprietor pursuant to section 69;

## (c) Section 5 (6)—

Omit the subsection.

(2) Section 57 (**Meetings of body corporate**)—

## (a) Section 57 (2) (c)—

Omit “where there are more than three proprietors,”.

## (b) Section 57 (3)—

Omit the subsection, insert instead:

(3) For the purposes of this section, the first annual general meeting of the body corporate is—

(a) a meeting convened and held in accordance with subsection (1); or

(b) in default of compliance by the original proprietor with that subsection—

(i) a meeting convened and held pursuant to an order under subsection (6); or



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1973—*continued*

- (ii) if no application is made by any person under subsection (6)—the first meeting, however convened and whenever held, of the body corporate having an agenda consisting of the items mentioned in subsection (2).
- (c) Section 57 (6)—  
Omit “and the meeting convened by that person shall for the purposes of subsection (3) be deemed to be the meeting convened under subsection (1)”.
- (d) Section 57 (7B)—  
Omit the subsection.
- (e) Section 57 (8)—  
After “order” where secondly occurring, insert “or otherwise”.
- (3) Section 64 (**Power of entry**)—  
Section 64 (3)—  
After section 64 (2), insert:
  - (3) The body corporate shall be liable for any damage to a lot or any of its contents caused by or arising out of—
    - (a) the carrying out of any work referred to in this section; or
    - (b) the exercise of a power of entry conferred by this section (except to the extent that the damage arose by reason of obstruction or hindrance in contravention of subsection (2)).
- (4) Section 69 (**Strata roll**)—
  - (a) Section 69 (2)—  
Omit “, the subject of the strata scheme concerned”, insert instead “and the strata scheme in general”.
  - (b) Section 69 (3)–(6)—  
Omit section 69 (3)–(4), insert instead:

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SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE STRATA TITLES ACT  
1973—*continued*

- (3) There shall be recorded in the pages concerning a particular lot—
- (a) the proprietor's name and address for service of notices; and
  - (b) information provided under section 81 or obtained from the Register in connection with the lot.
- (4) There shall be recorded in the pages concerning the common property and the strata scheme in general—
- (a) the strata plan number and the address of the strata scheme building;
  - (b) the names of the original proprietor and any managing agent of the body corporate and their respective addresses for service of notices;
  - (c) the total unit entitlement of the scheme and the unit entitlement of each lot;
  - (d) particulars of insurance effected by the body corporate, including—
    - (i) the name of the insurance company;
    - (ii) the number of the insurance policy;
    - (iii) the nature of the risk insured;
    - (iv) the amount of the insurance;
    - (v) the due date for payment of the premium; and
    - (vi) the date on which the premium was last paid; and
  - (e) the by-laws for the time being in force in respect of the strata scheme.
- (5) The body corporate may make or amend the entries in the roll on the basis of information—
- (a) contained in the Register; or

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1973—*continued*

(b) provided under section 81, to the extent that information so provided is not inconsistent with information contained in the Register.

(6) Information provided under section 81 may be presumed to be consistent with information contained in the Register until the contrary is evident.

(5) Section 70 (**Supply of certificates and information by body corporate**)—

## (a) Section 70 (1)—

Omit “one or more of the following things as are”, insert instead “of the following as may be”.

## (b) Section 70 (1) (a)—

Omit the paragraph, insert instead:

(a) give, in the prescribed form, a certificate that states, as at the date of the certificate, the name and address of each member of the council and of any managing agent appointed under this Act for the strata scheme and specifies in respect of the lot in relation to which the application is made—

(i) the amount of any regular periodic contributions determined by the body corporate under section 68 (1) (j), (1) (k) and (4) and the periods in respect of which those contributions are payable;

(ii) whether there is any amount unpaid of any contributions determined under section 68 (1) (j) and (k), including any periodic contributions referred to in section 68 (4), and, if so, the amount unpaid and, in the case of a contribution levied under section 68 (1) (k), the date on which any such contribution was levied;

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- (iii) whether there is any amount unpaid of any contribution levied under section 68 (1) (p) and, if so, the amount unpaid and the date on which it was levied;
  - (iv) whether there is any amount unpaid by a proprietor under a by-law referred to in section 58 (7);
  - (v) whether there is any amount unpaid of any contribution levied under section 150 (2) and, if so, the amount unpaid and the date on which it was levied;
  - (vi) whether there is any amount recoverable from the proprietor of that lot under section 60 (3) or (4) and, if so, the amount recoverable;
  - (vii) any amount and rate of interest payable under section 59 (7) in respect of any unpaid contribution referred to in this paragraph; and
  - (viii) such other information as is required to complete the certificate in the form prescribed; or
- (c) Section 70 (1) (c)—
- Omit the paragraph.
- (d) Section 70 (2A)—
- Omit “Information referred to in subsection (1) (a), and a certificate referred to in subsection (1) (c),”, insert instead “A certificate referred to in subsection (1) (a)”.
- (e) Section 70 (3)—
- Omit “(1) (c)”, insert instead “(1) (a)”.

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1973—*continued*(6) Section 71 (**Constitution of councils**)—

## (a) Section 71 (2), (3)—

Omit the subsections, insert instead:

(2) The council shall consist of such number of members, being not more than 9, as the body corporate may determine.

## (b) Section 71 (4)—

Omit “subsection (3)”, insert instead “subsection (2)”.

## (c) Section 71 (4)—

Omit “or, if the number of proprietors increases to more than three, at an extraordinary general meeting convened for the purpose”.

(7) Section 74 (**Meetings of councils**)—

Section 74 (3)—

Omit “one-half”, insert instead “one-third”.

(8) Section 76 (**Statutory restrictions on powers of councils**)—

Omit the section.

## (9) Sections 81, 81A—

Omit section 81, insert instead:

**Notices to be given by proprietors and others**

81. (1) A person who, by virtue of the person’s interest in a lot, has (subject to this section and Schedule 2) the right to cast a vote (whether on the person’s own behalf or by a nominee) at meetings of the body corporate may notify the body corporate in writing of that interest.

(2) Such a notice shall specify—

(a) the person’s full name and address for service of notices;

(b) the lot concerned and the exact nature of the person’s interest in it;

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1973—*continued*

- (c) the date on which the person acquired the interest; and
- (d) if the voting entitlement conferred by the interest is one which, according to Schedule 2, is to be exercised by a nominee—the nominee's full name and address for service of notices,

and shall, if the interest is a mortgage, include confirmation by the mortgagor or be verified by statutory declaration of the mortgagee.

(3) If the interest is that of—

- (a) the executor or administrator of the estate of a deceased person; or
- (b) the liquidator or receiver in bankruptcy of any person,

or some other interest arising—

- (c) by operation of law or the order of any court; or
- (d) in any manner otherwise than by transfer of the interest from some other person or the discharge of a mortgage,

the notice shall specify the manner in which the interest arose and shall be verified by statutory declaration.

(4) The secretary of the body corporate, if of the opinion that a person entitled or obliged to give notice under this section has not done so, may by a requisition in writing served on the person require the person—

- (a) to state, within 14 days, whether or not the person is a person entitled or required to give notice under this section; and
- (b) if the person is such a person, to give that notice.

(5) A person is not entitled to cast a vote at a meeting of the body corporate—

- (a) if the person has not complied with a requisition served on the person under subsection (4); or

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SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE STRATA TITLES ACT  
1973—*continued*

(b) in the case of a vote to be tendered through a nominee—  
if the nominee's full name and address for service of  
notices have not been notified under this section.

(6) A person who has given notice under this section may by  
further notice advise any change of nominee or of the person's or  
any nominee's address for service.

**Notice of leases**

81A. (1) Notice of any lease, or the assignment of any lease, of a  
lot shall be given by the proprietor to the body corporate within  
14 days after the commencement of the lease or the execution of  
the assignment.

(2) The notice shall specify—

(a) the name of the lessee or assignee;

(b) the date of commencement or assignment of the lease, as  
the case requires; and

(c) the name of any agent acting for the proprietor in respect  
of the lease.

(3) In this section, "lease" includes any sublease.

(10) Section 93 (**Charges for services**)—

Omit "or drainage", insert instead " , drainage or effluent".

(11) Part V, Division 1, heading—

Omit the heading, insert instead:

DIVISION 1—*Strata Titles Commissioner and Strata Titles  
Boards*

*Strata Titles (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE STRATA TITLES ACT  
1973—*continued*

## (12) Section 98A—

After section 98, insert:

**Strata Titles Board**

98A. (1) Within a prescribed area, there shall be a Strata Titles Board which shall be constituted by a Magistrate sitting at a place approved by the Minister within the area.

(2) Outside such an area, there shall be such number of Strata Titles Boards as the Minister may determine, each of which shall be constituted by a Magistrate.

(3) The regulations may make provision with respect to persons who shall hold office as Clerk of the Board.

(13) Section 99 (**Commissioner may inspect certain records**)—

## (a) Section 99 (1)—

Omit “Where application is made for an order under this Part in relation to a strata scheme”, insert instead “If the Commissioner informs the body corporate that the Commissioner wishes to obtain information from the body corporate for assistance in the exercise of any of the Commissioner’s powers, authorities, duties and functions under this Act”.

## (b) Section 99 (3)—

After section 99 (2), insert:

(3) No charge is payable by the Commissioner for or in connection with the performance by the body corporate of any such duty.

(14) Section 102 (**Reference of application to Board**)—

## (a) Section 102 (2) (a) (ii)—

Omit “and”.



*Strata Titles (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE STRATA TITLES ACT  
1973—*continued*

## (b) Section 102 (2) (a) (iv)—

After section 102 (2) (a) (iii), insert:

- (iv) any person who, by the order sought, would be required to do, or to refrain from doing, a specified act; and

(15) Section 104A (**Interim orders**)—

## (a) Section 104A (2)—

After “this Division” where firstly occurring, insert “or Division 4”.

## (b) Section 104A (2) (a)—

After “this Division”, insert “or under Division 4, as the case may be.”.

(16) Section 112 (**Orders relating to keeping of animals**)—

Section 112 (2), (3)—

At the end of section 112, insert:

(2) If, pursuant to an application by the occupier of a lot in a strata scheme in respect of which clause (2) of by-law 27 in Schedule 1 (or a provision to the like effect in any by-laws) is for the time being in force, the Commissioner is satisfied—

- (a) that the application is made with the consent of the proprietor of the applicant’s lot (if the applicant is not the proprietor); and
- (b) that the body corporate has unreasonably withheld its consent to the keeping by the applicant of an animal upon the lot or the common property,

the Commissioner may by order declare that the applicant may keep the animal in such manner as is specified in the order.

(3) An order under subsection (2) is binding on the body corporate and is a good defence to any action against the applicant for breach of any by-law by virtue of the keeping of the animal in a manner authorised by the order.

*Strata Titles (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE STRATA TITLES ACT  
1973—*continued*(17) Section 115 (**Copy of order to be served**)—

## (a) Section 115 (1A)—

After section 115 (1), insert:

(1A) On receipt of a copy of the order, the body corporate shall, unless the order otherwise provides, cause it to be prominently displayed, within 72 hours of its receipt and for 14 days thereafter, on the notice board maintained under the by-laws.

## (b) Section 115 (2)—

Omit “subsection (1)”, insert instead “this section”.

(18) Section 124 (**Order where voting rights denied or due notice of item of business not given**)—

## Section 124 (2)—

Omit “fourteen”, insert instead “28”.

(19) Section 125 (**Order with respect to insurance**)—

## (a) Section 125—

Omit “by a proprietor, an enrolled mortgagee of a lot or an authority having the benefit of a positive covenant”.

## (b) Section 125 (2)—

At the end of section 125, insert:

(2) Application for such an order may be made by a proprietor or enrolled mortgagee of a lot, an authority having the benefit of a positive covenant or any person having an interest in a lot in the strata scheme.

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SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE STRATA TITLES ACT  
1973—*continued*

(20) Section 128 (**Appeal against order of Commissioner**)—

Section 128 (1)—

Omit “prescribed fee, not later than twenty-one days after the order takes effect.”, insert instead:

prescribed fee—

(d) not later than 21 days after the order takes effect; or

(e) by leave of the Board (given on sufficient cause being shown why the application was not lodged within the time limited by paragraph (d))—not later than 90 days after the order takes effect.

(21) Section 135 (**Copy of order to be served**)—

Section 135 (3)—

After section 135 (2), insert:

(3) On receipt of a copy of the order, the body corporate shall, unless the order otherwise provides, cause it to be prominently displayed, within 72 hours of its receipt and for 14 days thereafter, on the notice board maintained under the by-laws.

(22) Schedule 1 (**By-laws**)—

(a) Clause 10 (f), (g)—

Omit the paragraphs, insert instead:

(f) the convening of meetings of the council and (apart from its first annual general meeting) of the body corporate; and

(g) attendance to matters of an administrative or secretarial nature in connection with the exercise or performance, by the body corporate or the council, of its respective functions.

*Strata Titles (Amendment) 1987*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE STRATA TITLES ACT  
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## (b) Clause 27 (2)—

At the end of clause 27, insert:

(2) The body corporate shall not unreasonably withhold its approval of the keeping of an animal upon a lot or the common property.

(23) Schedule 2 (**Meetings, and voting at meetings, of body corporate**)—

## (a) Part 1, clause 2 (3), (3A)—

Omit clause 2 (3), insert instead:

(3) Co-mortgagees are entitled to cast a vote by a person duly appointed as a proxy by all of them jointly.

(3A) A co-proprietor is entitled to cast a vote at a meeting—

(a) in the absence of the other co-proprietors;

(b) with the consent of the other co-proprietors given by them at the meeting; or

(c) if (in default of any consent under paragraph (b)) that co-proprietor is the co-proprietor first named on the strata roll,

or by a proxy duly appointed by all the co-proprietors jointly.

## (b) Part 1, clause 2 (7)—

Omit "(11) and (12)", insert instead "(5)".

## (c) Part 2, clause 5 (3), (3A)—

Omit clause 5 (3), insert instead:

(3) Co-mortgagees are entitled to cast a vote by a person duly appointed as a proxy by all of them jointly.

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SCHEDULE 2—*continued*  
 MISCELLANEOUS AMENDMENTS TO THE STRATA TITLES ACT  
 1973—*continued*

- (3A) A co-proprietor is entitled to cast a vote at a meeting—
- (a) in the absence of the other co-proprietors;
  - (b) with the consent of the other co-proprietors given by them at the meeting; or
  - (c) if (in default of any consent under paragraph (b)) that co-proprietor is the co-proprietor first named on the strata roll,

or by a proxy duly appointed by all the co-proprietors jointly.

- (d) Part 2, clause 5 (7)—

Omit “(11) and (12)”, insert instead “(5)”.

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SCHEDULE 3

(Sec. 4)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

**Interpretation**

1. In this Schedule, “the Principal Act” means the Strata Titles Act 1973.

**Proprietors**

2. No amendment made by this Act affects the status, as a proprietor within the meaning of the Principal Act, of any person who was such a proprietor immediately before the amendment took effect.

**First annual general meetings of bodies corporate**

3. A meeting held before the commencement of Schedule 2 (2) (b) which would (if section 57 of the Principal Act, as amended by this Act, had then been in force) have been the first annual general meeting of a body corporate, shall be deemed to have been its first annual general meeting.

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4. A by-law made in accordance with section 58 of the Principal Act, as in force immediately before the commencement of Schedule 1 (3), continues in force as if made under that section as amended by this Act.

**Liability for damage to lots**

5. Section 64 of the Principal Act, as amended by this Act, does not apply in respect of any damage caused by or arising out of work that was carried out before the commencement of Schedule 2 (3).

**Strata rolls**

6. To the extent to which, before the commencement of Schedule 2 (4), a strata roll was kept and maintained in a manner that accords with section 69 of the Principal Act, as amended by this Act, the strata roll shall be deemed to have been validly kept and maintained.

**Certificates of body corporate**

7. A certificate given, before the commencement of Schedule 2 (5), under section 70 (1) (c) of the Principal Act shall be deemed, for the purposes of section 70 (3) of the Principal Act, as amended by this Act, to be a certificate given under section 70 (1) (a) of that Act, as so amended.

**Strata Titles Boards**

8. (1) The reconstitution of Strata Titles Boards effected by Schedule 2 (1) (d) and (12) does not affect—

- (a) the status or continuity of any proceedings pending or commenced, before the commencement of those provisions—
  - (i) before a Strata Titles Board; or
  - (ii) by way of appeal against an order or decision of any such Board;
- (b) the continued force or operation of any order or decision made, before the commencement of those provisions, by a Strata Titles Board; or
- (c) any right of appeal accrued, before the commencement of those provisions, in respect of an order or decision made by a Strata Titles Board.

**Requirement to serve certain notices**

9. Section 102 (2) of the Principal Act, as amended by this Act, does not apply in respect of an application lodged before the commencement of Schedule 2 (14).

*Strata Titles (Amendment) 1987*

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SCHEDULE 3—*continued*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued*

**By-laws made by order of Commissioner**

10. A by-law in force, immediately before the commencement of Schedule 1 (4), by virtue of an order made under section 113A of the Principal Act shall, subject to the Principal Act, as amended by this Act, continue in force and shall be deemed to be a by-law in force by virtue of an order made under section 120A of the Principal Act, as so amended.