

**Buildings and Common Property (Maintenance and Management)
(Amendment) Bill**

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Bill No: 17/1982

Read the first time: 27th July 1982

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Expenditure of Public Money

Buildings and Common Property (Maintenance and Management) (Amendment) Bill

Bill No. 17/1982

Read the first time on 27th July 1982.

An Act to amend the Buildings and Common Property (Maintenance and Management) Act,

1973 (No. 23 of 1973).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows: —

Short title and commencement

1. This Act may be cited as the Buildings and Common Property (Maintenance and Management) (Amendment) Act, 1982, and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Buildings and Common Property (Maintenance and Management) Act, 1973 (referred to in this Act as the principal Act) is amended —

(a) by deleting the definition of “common property” and substituting the following definitions: —

“ “common property” —

- (a) in relation to any building comprised in any strata title plan, shall have the meaning assigned to it in the Land Titles (Strata) Act (Cap. 277);
- (b) in relation to any land where planning permission has been granted for its development and intended strata division after the completion of any building or part thereof on the land, means any part of the building not comprised in any flat and the fixtures and fittings (including lifts), refuse chutes, refuse bin compounds, drains, sewers, pipes, wires, cables and ducts, the exterior of all common parts of the building, playing fields, driveways, car parks, open spaces, landscaped areas, walls and fences and all other facilities and installations used or capable of being used or enjoyed in common by all the occupiers of the building; and
- (c) in relation to any other land where one or more buildings are erected thereon, includes fixtures and fittings (including lifts), refuse chutes,

refuse bin compounds, drains, sewers, pipes, wires, cables and ducts, the exterior of all common parts of the building, playing fields, driveways, car parks, open spaces, landscaped areas, walls and fences and all other facilities and installations used or capable of being used or enjoyed in common by all the occupiers of the building;

“developer” means any person who has obtained the approval of the competent authority to develop any land pursuant to section 9 of the Planning Act (Cap. 279) and includes his executors, administrators and successors in title or assigns;

“development” means any land on which any building is constructed or is in the course of construction;

“flat” means a horizontal stratum of any building or part thereof, whether such stratum is on one or more levels or is partially or wholly below the surface of the ground, which is used or intended to be used as a complete and separate unit for the purpose of habitation or business or for any other purpose;

“maintenance fund” means the maintenance fund for a development established by a developer pursuant to section 7A;”;

(b) by deleting the words “section 21” in the definition of “owner” and substituting the words “section 31”; and

(c) by inserting, immediately after the definition of “owner”, the following definition: —

““stratum” means any part of land consisting of a space of any shape below, on or above the surface of the land, or partly below and partly above the surface of the land, the dimensions of which are delineated.”.

Repeal of section 6B

3. Section 6B of the principal Act is repealed.

New sections 7A to 7K

4. The principal Act is amended by inserting, immediately after section 7, the following sections: —

“Developer to establish maintenance fund

7A.—(1) Subject to this section, the developer of a development to which this section applies shall, with effect from the date when a temporary occupation licence is issued by the competent authority in respect of any flat in the development or such other subsequent date when this section applies to the development, establish a maintenance fund for the development which shall be used solely and exclusively for all or any of the following purposes: —

- (a) to maintain the common property of the development in a state of good repair;
- (b) to pay for the expenses incurred in providing cleaning services for the common property and security services and amenities for the occupiers of the flats in the development;
- (c) to maintain, repair and renew fixtures and fittings (including lifts) in the development not being fixtures and fittings installed in a flat sold or intended for sale to a purchaser;
- (d) to maintain, repair and renew sewers, pipes, wires, cables and ducts used or capable of being used in connection with the enjoyment of two or more flats in, or the common property of, the development;
- (e) to pay any premiums for the insurance of the development against damage by fire and other risks;
- (f) to pay rent and rates (if any);
- (g) to pay any fee incurred for the auditing of the maintenance fund;
- (h) all charges reasonably incurred for the administration of the maintenance fund and the common property of the development.

(2) This section shall apply to a development where —

- (a) planning permission has been granted for the intended strata subdivision after the completion of any building or part thereof;
- (b) more than four units of flats have been constructed; and
- (c) the flats in the development have been sold to more than two purchasers.

(3) For the purposes of this section, a developer is deemed to have sold a flat —

- (a) if, by an agreement in writing, he has agreed to convey, transfer, assign or otherwise dispose of his estate or interest in the flat to another person for valuable consideration or otherwise; or
- (b) if, by any deed or instrument, he has conveyed, assigned or otherwise disposed of the flat,

except that paragraphs (a) and (b) shall not apply to an agreement in writing or any deed or instrument to grant or assign a leasehold term not exceeding twenty-one years without the option of renewal or purchase.

(4) Where temporary occupation licences have been issued for any flats in a development at any time prior to the commencement of the Buildings and Common Property (Maintenance and Management) (Amendment) Act, 1982, the developer shall establish a maintenance fund for that development with effect from such date as the Minister may, by notification in the *Gazette*, appoint.

(5) The Minister may, by notification in the *Gazette*, exempt any person from this section.

Duties of the developer

7B.—(1) A developer shall pay into the maintenance fund —

- (a) all charges received by him from the purchasers of the flats in the development for the maintenance of the common property of the development;
- (b) in respect of those flats in the development which have not been sold and have temporary occupation licences issued by the competent authority, a sum equivalent to the maintenance charges payable by the purchasers of the flats to the developer had the flats been sold; and
- (c) all income derived from the common property of the development.

(2) A developer shall hold all monies in the maintenance fund on trust for the owners and purchasers of all the flats in the development.

(3) The monies in the maintenance fund shall be deposited with any bank licensed under the Banking Act (Cap. 182) or the Post Office Savings Bank of Singapore and may be invested in such investments or securities as are for the time being authorised for the investment of trust funds.

(4) Where a management corporation for the development has been constituted in accordance with section 28 of the Land Titles (Strata) Act (Cap. 277), the