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STRATA TITLES REGISTRATION LAW

(2005 Revision)

STRATA TITLES REGISTRATION REGULATIONS

(2006 Revision)

Revised under the authority of the Law Revision Law (1999 Revision).

The Strata Titles Registration Regulations, 1974 made the 22nd October, 1974, consolidated with the-

Strata Titles Registration (Amendment) Regulations, 1999 made the 8th June, 1999 and the Strata Tiles (Amendment) Regulations, 2005 made the 8th March, 2005.

Consolidated and revised this 30th day of May, 2006.

Note (not forming part of the Regulations): This revision replaces the 2000 Revision which should now be discarded.

STRATA TITLES REGISTRATION REGULATIONS

(2006 Revision)

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STRATA TITLES REGISTRATION REGULATIONS

(2006 Revision)

1. These regulations may be cited as the Strata Titles Registration Regulations (2006 Revision). Citation

2. In these regulations - Definition

“Form” means a form in the Schedule hereto.

Strata Plans

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

4. Every strata plan lodged with the Registrar for registration shall- Form of strata plans

- (a) be prepared on the appropriate Forms and issued by the Registrar unless the Registrar permits otherwise;
- (b) comprise-
 - (i) a first sheet in Form 1, using annexures where necessary, on which shall be set out the matters prescribed by paragraphs (a), (b) and (e) of section 4(1);
 - (ii) in the case of Grand Cayman, a further sheet in Form 2 and, in the case of Cayman Brac or Little Cayman, a further sheet in Form 3, using annexures where necessary, on which shall be set out the matters prescribed by paragraphs (d) and (f) of section 4(1); and
 - (iii) further sheets in Form 4, using annexures where necessary, on which shall be set out the matters prescribed by paragraph (c) of section 4(1);
- (c) have each further sheet of a strata plan endorsed in the top right hand corner -
“Sheet (*number*) of (*total number*) sheets”;
- (d) have the diagram prescribed by paragraph (b) of section 4(1) drawn with the north point upwards and parallel to the sides of the form. It shall be drawn to a natural scale which will admit of all details and notations being clearly shown and such diagram shall show offsets in any case where part of the building is within six feet of a boundary of a parcel but no other dimensions shall be necessary. The external surface boundaries of the parcel shown in any such diagram shall, if the Registrar so requires, be

- 1996 Revision
- defined by a precise survey in accordance with the Land Surveyors Law (1996 Revision);
- (e) have floor plans and elevations prepared for the purpose of paragraph (c) of section 4(1) drawn with the north point upwards and parallel to the sides of the form of a size which will admit of all details and notations being clearly shown;
 - (f) have the strata lots numbered consecutively, commencing with strata lot 1 and terminating with strata lot numbered to correspond to the total number of strata lots comprised in the strata plan. Different parts of a building which constitute a single strata lot shall bear the same strata lot number;
 - (g) have printing, writing or drawing which is clear and legible in black waterproof ink and not extending into any margin; and
 - (h) have alterations made by striking through the matter intended to be rejected and not by rubbing, scraping, covering or cutting the surface of the paper.
- Application for registration
5. Every application for registration of a strata plan shall indicate the name and postal address of the registered proprietor and of the party by whom the plan is lodged and shall be produced by hand to the Registrar accompanied by the prescribed fee and by the land certificate, if issued.
- Registration
6. Registration of a strata plan shall be effected by notifying under the seal of the Registrar on the first sheet thereof the fact and date of such registration.
- Powers of Registrar
7. The Registrar, after such enquiry and notices, if any, as he may consider proper and upon the production of such evidence and the compliance with such requests, if any, as he may think necessary to require or make, may-
- (a) number or re-number any strata lots in a registered strata plan;
 - (b) supply omissions and correct patent errors in a registered strata plan; and
 - (c) amend a registered strata plan in such other manner as he may think proper.
- Notification of interests
8. The Registrar shall endorse a land certificate issued for a strata lot in a strata plan with a notification that by virtue of the Law, the proprietor holds his lot and his share in the common property subject to any interests affecting the same for the time being notified on the registered strata plan and subject to any amendments to strata lots or common property shown on the plan.
- Certificates by surveyor, C.P.A. and D.C.B.
9. The certificates given under paragraph (f) of section 4(1) shall be in or to the effect of-

- (a) Form 5 for the certificate by a licensed surveyor and
- (b) Form 6 for the certificate by the Central Planning Authority, and
- (c) Form 7 for the certificate by the Development Control Board,

and if endorsed on the strata plan shall be so endorsed in the appropriate places shown on Form 2.

10. A certificate under the seal of the corporation given-
- (a) under section 14(3) shall be in the form or to the effect of Form 6; and
 - (b) under section 22(3) shall be in the form or to the effect of Form 7.
11. A notification of destruction of a building given by the corporation under paragraph (a) of section 23(1) shall be in the form or to the effect of Form 10.
12. A notification given by the corporation under section 21(5) shall be in the form or to the effect of Form 11.
13. (1) Any person appointed as administrator under section 9 may lodge with the Registrar a certified copy of the order of the court making such appointment.
- (2) The corporation may lodge with the Registrar a certified copy of any order made by the court under regulation 20.
- (3) On receipt of any such certified copy, the Registrar shall note and sign on the relevant registers such particulars as appear to be necessary.
14. Upon receipt of a notice in or to the effect of Form 10, the Registrar shall endorse and sign on the relevant registered strata plan a notification of the destruction of the building and of the vesting of the parcel in the proprietors. The notification shall contain such particulars as appear to be necessary.
15. Nothing in these regulations shall be construed as requiring the issue of a certificate of fitness for occupancy in respect of strata lots in Cayman Brac and Little Cayman.

Certificates by corporation

Notification of destruction

Notification of bye-laws amendment

Appointment of administrator

Endorsement of notification of destruction on strata plan

Cayman Brac and Little Cayman

Transfers In Certain Cases

16. Where a parcel has been transferred by the corporation after the building is destroyed, the Registrar shall-
- (a) enter on the relevant registered strata plan a notification of the cancellation thereof; and

Transfer after destruction

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

Memorial of notification 17. Upon receipt of a notification in or to the effect of Form 11, the Registrar shall endorse and sign on the relevant registered strata plan a memorial of such notification. The memorial shall contain such particulars as appear to be necessary.

Insurance By Proprietors

Insurance 18. (1) Where a building is insured to its replacement value a proprietor may effect a policy of insurance in respect of any damage to his strata lot in a sum equal to the amount secured, at the date of any loss referred to in such policy, by charges charged upon his strata lot.

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

- (a) the value stated in such policy;
- (b) the amount of the loss; or
- (c) the amount sufficient, at the date of the loss, to discharge charges charged upon the strata lot, whichever is the less.

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

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

(5) Where a building is uninsured, or has been insured for less than its replacement value, a proprietor may-

- (a) effect a policy of insurance in respect of any damage to his strata lot in a sum equal to the replacement value of his strata lot less any amount for which his strata lot is insured under any policy of insurance effected on the building; and
- (b) notwithstanding any existing policies, effect a policy of insurance in respect of damage to his strata lot in a sum equal to

the amount secured at the date of any loss referred to in such policy, by charges charged upon his lot, and subregulations (2), (3) and (4) shall apply in respect of any payment under such policy as they apply to a policy effected under subregulation (1).

(6) For the purpose of subregulation (5), the amount for which a strata lot is insured under a policy of insurance effected in respect of the building shall be determined by multiplying the value stated in such policy by the unit entitlement of the strata lot holder and dividing the product so obtained by the sum of the unit entitlement of all strata lot holders.

(7) For the purposes of subregulation (4) or (5)(b), any insurer and chargee or chargees may, at any time, whether before or after a policy of insurance has been effected by a proprietor, agree upon the terms and conditions of the assignment of an interest.

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

(9) The policy of insurance authorised by this regulation and taken out by a proprietor in respect of damage to his strata lot shall not be liable to be brought into contribution with any other policy of insurance save another policy authorised by this regulation and taken out in respect of damage to the same strata lot.

Buildings Damaged But Not Destroyed

19. (1) Where a building is damaged but is not destroyed within the meaning of section 23(2), the court may, by order, settle a scheme including provisions-

Damaged buildings

- (a) for the reinstatement of the building in whole or in part; and
- (b) for transfer to the other proprietors in proportion to their unit entitlement of the interests of proprietors of strata lots which have been wholly or partially destroyed.

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

- (a) directing the application of insurance moneys received by the corporation in respect of damage to the building;
- (b) directing payment of money by the corporation or by proprietors or by some one or more of them;

- (c) directing such amendment of the strata plan as the court thinks fit, so as to include in the common property any alteration thereto; and
- (d) imposing such general terms and conditions as it thinks fit.

(3) For the purposes of this regulation, an application may be made to the court by the corporation, a proprietor or a registered chargee of a strata lot.

(4) On any application to the court under this regulation any insurer who has insured the building or any part thereof, being insurance against destruction of strata lots or damage to the building, shall have the right to appear in person or by counsel.

(5) The court may, from time to time, vary any order made by it under this regulation.

Voting By Chargee

Voting by chargee

20. Where a proprietor's interest is subject to a registered charge or charges and the charger has given written notice of his charge to the corporation, any power of voting conferred on a proprietor under the Law-

- (a) shall not, in any case where an unanimous resolution is required, be exercised by the proprietor but shall be exercised by the chargees in succession in accordance with their priorities; and
- (b) may, in any other case, be exercised by the chargee first entitled in priority and thereafter by chargees next entitled in succession, and shall not be exercised by the proprietor when any such chargee is present personally or by proxy.

Fees

Fees


21. The following fees shall be paid to the Registrar-

- | | | |
|----|---|-------|
| 1. | On lodgement for registration of strata plan | \$50 |
| 2. | For opening new registers consequent upon registration of strata plan for each parcel resulting | \$30 |
| 3. | On lodgement of a notification of destruction of the building | \$50 |
| 4. | On lodgement of a notification of any amendment or variation of any bye-law | \$25 |
| 5. | On lodgement of any application for amendment of a registered strata plan - per amendment | \$10. |

SCHEDULE

Form 1

regulation 4 (b) (i)

<p>REGISTRATION SECTION _____</p> <p>BLOCK _____</p> <p>PARCEL _____</p> <p>Address of body corporate for service of notices _____</p> <p>_____</p>	<p>STRATA PLAN NO.</p> <p>Registered _____</p> <p>_____</p> <p>Registrar of Lands Last Plan _____</p> <p>_____</p> <p>_____</p>
<p>Diagram of location of buildings in relation to parcel boundaries</p> <p>Scale _____</p> <p style="text-align: center;">N</p> <p style="text-align: center;"></p>	

Form 3

regulation 4 (b)(ii)

CAYMAN BRAC AND LITTLE CAYMAN

Sheet No. of Sheets

STRATA PLAN NO.			
Schedule of	Unit	Entitlement	I, of a surveyor licensed under the Land Surveyors Law (1996 Revision) hereby certify that- (1) the building erected on Block and Parcel No___ is within the external boundaries of the parcel subject to (2) below; (2) eaves or guttering of the building project beyond external boundaries and appropriate easement has been granted as an appurtenance of the parcel by instrument No.____Dated_____ Signature_____ Sheet Nos._____ approved by the Development Control Board for the purpose of the Strata Titles Registration Law (2005 Revision). That the development conforms to the approved plans Dated_____ Signature_____
Strata Lot No.	Unit Entitlement	OFFICE USE ONLY	
		Block & Parcel No.	
AGGREGATE			

Form 4

regulation 4 (b) (iii)

Sheet No.
Sheets

of

ELEVATIONS: SECTIONS: PLANS
(Section 4 (1) (c) Strata Titles
Registration Law (2005 Revision))

STRATA PLAN NO.

_____ FLOOR

Scale _____



Form 5

CAYMAN ISLANDS

STRATA TITLES REGISTRATION LAW

(2005 Revision)

SURVEYOR'S CERTIFICATE

regulation 9

REGISTRATION SECTION BLOCK PARCEL NUMBER

I, _____
of _____,

a licensed land surveyor under the Land Surveyors Law (1996 Revision), hereby certify that-

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

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

No. _____

Signature _____

Date _____

**Delete if inappropriate.*

Form 6

CAYMAN ISLANDS

STRATA TITLES REGISTRATION LAW

(2005 Revision)

CENTRAL PLANNING AUTHORITY CERTIFICATE

regulation 9

I, _____

Director of Planning hereby certify for the purposes of the Strata Titles Registration Law (2005 Revision) that-

(1) the development conforms with the requirements of the Development and Planning Regulations (2006 Revision); and

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

Signature-----

Dated-----.

Form 7

CAYMAN ISLANDS

STRATA TITLES REGISTRATION LAW

(2005 Revision)

DEVELOPMENT CONTROL BOARD CERTIFICATE

regulation 9

I, _____

Executive Secretary of the Development Control Board, hereby certify, for the purposes of the Strata Titles Registration Law (2005 Revision) that the development conforms to the approved plans.

Signature-----

Dated-----

Form 8

CAYMAN ISLANDS

STRATA TITLES REGISTRATION LAW

(2005 Revision)

CERTIFICATE OF THE CORPORATION

regulation 10 (a)

STRATA PLAN NO-----.

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

see Note 1

see Note 2

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

-

(Brief description of the land disposed of)

The common seal of the proprietors, Strata Plan No.----- was hereunto affixed on the ----- day of -----, in the presence of

(Members of Executive Committee)

Notes:

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

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

Form 9

CAYMAN ISLANDS

STRATA TITLES REGISTRATION LAW

(2005 Revision)

CERTIFICATE OF THE CORPORATION

regulation 10 (b)

STRATA PLAN NO-----

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

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

-----of-----

(Brief descriptions of land affected)

The common seal of the proprietors, Strata Plan No.----- was hereunto affixed on----- in the presence of

(Members of Executive Committee)

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

Form 10

CAYMAN ISLANDS

STRATA TITLES REGISTRATION LAW

(2005 Revision)

NOTIFICATION OF DESTRUCTION OF BUILDING

regulation 11

STRATA PLAN NO-----

Under paragraph (a) of section 23(1) of the above Law, the proprietors of the above strata plan hereby certify that the building illustrated on the said strata plan has been destroyed.

Attached hereto is-

*a certified copy of the unanimous resolution of the proprietors under section 23(2)(a) of the said Law.

*an office copy of the declaration made by the court under section 23(2)(b) of the said Law.

The common seal of the proprietors, Strata Plan No.----- was hereunto affixed on ----- in the presence of-

(Members of Executive Committee)

** Delete whichever is inappropriate.*

Form 11

CAYMAN ISLANDS

STRATA TITLES REGISTRATION LAW

(2005 Revision)

NOTIFICATION OF AMENDMENT OR VARIATION OF BYE-LAWS

regulation 12

STRATA PLAN NO -----

Under section 21(5) of the above Law, the proprietors of the above strata plan unanimously * passed the following resolution:

(Set out resolution)

The common seal of the proprietors, Strata Plan No.-----was hereunto affixed on the-----day of----- 20---, in the presence of-

(Members of Executive Committee)

**Delete the word "unanimously" if not applicable.*

Publication in consolidated and revised form authorised by the Governor in Cabinet this 30th day of May, 2006.

Carmena Watler
Clerk of Cabinet

(Price \$ 4.80)