

BERMUDA STATUTORY INSTRUMENT

BR 50/1987

CONDOMINIUM GENERAL REGULATIONS 1987

*[made under section 63 of the Condominium Act 1986 [title 29 item 7] and
brought into operation on 17 October 1987]*

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Citation

1 These Regulations may be cited as the Condominium General Regulations 1987.

Interpretation

2 In these Regulations—

"the Act" means the Condominium Act 1986 *[title 29 item 7]*;

"Form" means form in the Schedule;

"plan" means condominium plan;

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"section" means section of the Act.

Registers

3 (1) Among the registers kept by the Registrar pursuant to section 54 there shall be—

- (a) a plan register consisting of sheets in Form 1;
- (b) a condominium property register consisting of sheets in Form 2; and
- (c) a condominium unit register consisting of sheets in Form 3.

(2) The register of owners required by section 55 shall consist of sheets in Form 4.

Condominium plans

4 (1) A plan presented under section 6 for registration shall—

(a) consist of—

- (i) a first sheet signed by the developer having the features, and setting out the information, required by paragraphs (a), (c), (b), (j), (k) and (1) of that section; and
- (ii) further sheets having the features, and giving the information, required by paragraphs (b), (d), (e), (f), (g) and (i) of that section,

with each sheet endorsed in the upper right-hand corner with the words "sheet . . . of . . . sheets", and the appropriate numbers filled in; and

(b) be printed in a form, and on material of a size and nature, acceptable to the Registrar.

(2) Any drawing or diagram prepared for the purposes of paragraph (b) of section 6 shall be drawn—

- (a) with a North point drawn at the top of the drawing or diagram; and
- (b) to a scale which—
 - (i) shows all details and notations clearly; and
 - (ii) is not less than 1:500 in any event.

(3) Every unit shall be numbered in a manner approved by the Director of Public Works.

(4) The schedule required by paragraph (g) of section 6 shall show the number, the floor area, and the unit factor, of each unit, and shall otherwise be in Form 5.

(5) The total of the unit factors for the units in a condominium shall be 100.

(6) The certificate from the Director of Planning required by paragraph (j) of section 6 shall be in Form 6.

(7) For the purposes of paragraph (k) of section 6, every plan shall be accompanied on presentation by a certificate in Form 7 signed by a surveyor considered by the Registrar to be one qualified to sign such a certificate.

Additions to plans

5 (1) The Registrar may add to a plan additional sheets for making any endorsement, memorandum, note or other entry that is to be made on or to the plan.

(2) Each sheet added to a plan pursuant to paragraph (1) shall—

- (a) be numbered in a manner acceptable to the Registrar; and
- (b) be signed by him.

Subdivisions and consolidations

6 Where a unit is subdivided or units are consolidated, the corporation shall by notice in writing inform the Registrar of the details of the subdivision or consolidation.

Amendment of by-laws

7 A request for registration of an amendment, repeal or replacement of a by-law pursuant to section 18(5) shall be made by notice to the Registrar in Form 8.

Appointment of administrator

8 An administrator appointed pursuant to section 40 shall lodge with the Registrar a certified copy of the court order appointing him administrator.

Termination of condominium status

9 Where the condominium status of a corporation is terminated, the notice that the corporation is required by section 42(1) to give to the Registrar shall be in Form 9.

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Transfer of land

10 Where land is transferred pursuant to section 43, the corporation shall by notice in writing inform the Registrar of the details of the transfer.

Notes by Registrar

11 Upon receipt by the Registrar of a notice or copy order given to or lodged with him pursuant to regulation 6, 7, 8, 9 or 10, he shall—

- (a) make on the relevant plan a note of the relevant particulars; and
- (b) sign the note.

Information to land tax authority

12 The certification referred to in section 45(1) and the particulars referred to in section 45(3) as being required in connexion with the furnishing of plan copies and information about section 31 leases to the land taxation authority shall respectively be as prescribed in Forms 10 and 11.

Charges to prospective purchaser for documents

13 The charge that a developer may make for the provision of documents to a prospective purchaser in accordance with section 48(1) is—

- (a) a sum calculated on the basis of 20 cents for each sheet of foolscap and 33 cents for each square foot of drawings; or
- (b) \$35,

whichever is the greater.

Commencement

14 [omitted]

SCHEDULE

FORM 1
(Reg. 3(1)(a))

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The Condominium Plan Register

Date of Registration
Condominium Name
Corporation Address
Name of Surveyor
Plan No.
O/S Datum NE Point
Sub Plan Index No.
Preceding Plan Index No.
Signature of Registrar

FORM 2
(Reg. 3(1)(b))

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The Condominium Property Register

Sheet No. [blank]

- 1 Parish
- 2 Registration No.
- 3 Date of First Registration
- 4 Property Situation Address
 - (a) Street No.
 - (b) Street Name
 - (c) O/S Identifier
 - (d) Approx. Area (h/acres)
- 5 Easements etc. relating to the Property
- 6
 - (a) Name of Registered Condominium Corporation
 - (b) Communication Address of Condominium Corporation
 - (c) Signature of Registrar

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- 7 Encumbrances
- (a) Entry No.
 - (b) Date
 - (c) Nature of Encumbrance
 - (d) Further Particulars
 - (e) Date Released
 - (f) Signature of Registrar

FORM 3
(Reg. 3(1)(c))

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The Condominium Unit Register

Sheet No. [*blank*]

- 1 Parish
- 2 Registration No.
- 3 Date of First Registration
- 4 Unit Situation Address
 - (a) Street No.
 - (b) Street Name
 - (c) Unit letter/number
 - (d) Floor area (sq. ft.)
- 5 Easements etc. relating to the unit
- 6
 - (a) Name of Registered Proprietor
 - (b) Address of Registered Proprietor
 - (c) Consideration and Remarks
 - (d) Signature of Registrar
- 7 Encumbrances
 - (a) Entry No.
 - (b) Date
 - (c) Nature of Encumbrance

- (d) Further Particulars
- (e) Date Released
- (f) Signature of Registrar

FORM 4
(Reg. 3(2))

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Register of Owners

Condominium Plan No. [blank]

Sheet No. [blank]

Street Name and Number and Unit Letter
No. of Unit
Unit Factor
Name of Owner/s
Date of Acquisition
Name of Mortgagee
Address of Mortgagee
Mortgage Discharged
Date of Disposal
Relisted Entry No.

FORM 5
(Reg. 4 (4))

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Schedule of Unit Factors and Areas

Street Name and Number and Unit Letter
Unit Factor 100.00
Floor Area

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FORM 6
(Reg. 4 (6))

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Certificate of the Director of Planning

I hereby certify that the development shown on Condominium Plan No. [blank] was approved by the Development Applications Board (or stipulate the form of approval) on [blank] and allocated the Building Permit Number [blank]

Director of Planning [blank]
Date [blank]

FORM 7
(Reg. 4 (7))

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Surveyor's Certificate

I [blank] of [blank] hereby certify that the sheets comprising Condominium Plan Number [blank] referred to in regulation 4(1)(a)(ii) and attached hereto accurately depict the boundaries and structures which they represent.

Signature [blank]
Date [blank]

FORM 8
(Reg. 7)

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Notice of Change of By laws

The owners of Condominium Plan No. [blank] hereby certify that by a special resolution Passed on [blank] the by-law No. [blank] of the Corporation was amended/repealed/replaced as follows:—

(set out terms of resolution)

The seal of the Corporation of Condominium Plan No. [blank] was hereto affixed on [blank] in the presence of [blank]

Members of the Board

FORM 9
(Reg. 9)

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Notice of Termination of Condominium Status

The owners of Condominium Plan No. [blank] hereby certify that the condominium status of the parcel has been terminated.

Annexed hereto is—

(1) a certified copy of an application to the Court of an interested party to terminate the condominium status in accordance with section 41 of the Act, and

(2) a certified copy of the declaration of the Court terminating the condominium status of the condominium Parcel.

The seal of the Corporation of Condominium Plan No. [blank] was hereto affixed on [blank] in the presence of [blank]

Members of the Board

FORM 10
(Reg. 12)

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Certification of Condominium Plan to Land Taxation Authority

The Corporation of Condominium Plan No. [blank] hereby certifies that the plans annexed hereto are true copies of the Condominium Plan No. [blank] registered by the Registration [blank]

The seal of the Corporation of Condominium Plan No. [blank] was affixed on [blank] in the presence of [blank]

Members of the Board

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FORM 11
(Reg. 12)

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Particulars of Lease under Section 31 of the Act

The Corporation of Condominium Plan No. [blank] hereby certifies the following particulars of a lease which has been entered into under section 31 of the Act—

- (1) name of lessee
- (2) description of land demised by the lease and depicted on the attached plan
- (3) term of lease
- (4) premiums paid (if any)
- (5) rent payable, and period
- (6) any other rights or benefits accruing to the Corporation under the terms of the lease
- (7) monthly value of any services provided by the Corporation (if any).

The seal of the Corporation of Condominium Plan No. [blank] was affixed on [blank] in the presence of [blank].

Members of the Board