

Apartment Ownership (Amendment)

AN ACT TO AMEND THE APARTMENT OWNERSHIP LAW, No. 11 OF 1973

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-

**[18th November
, 2003]**

Short title. **1.** This Act may be cited as the Apartment Ownership (Amendment) Act. No. 39 of 2003.

Replacement of the Long title to Law No 11. of 1973 . **2.** The Long title of the Apartment Ownership Law, No. 11 of 1973 (hereinafter referred to as the “principal enactment”) is hereby repealed and the following Long title substituted therefor :-

A LAW TO, PROVIDE FOR THE REGISTRATION OF TITLES RELATING TO CONDOMINIUM PARCELS IN BUILDINGS , THE SUBDIVISION AND AMALGAMATION OF THE BUILDING INTO CONDOMINIUM PARCELS WITH COMMON ELEMENTS APPURTENANT THERETO, TO ENABLE THE SEPARATE OWNERSHIP OF AND DISPOSITION OF TITLES TO SUCH PARCELS, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERE TO.”.

Replacement of section 2 of the principal enactment. **3.** Section 2 of the principal enactment is hereby repealed and the following section substituted therefor :-

Application 2. The Law shall “apply to any building-
of the Law.

- (a) erected on alienated land held as one Sand parcel and capable of being subdivided into parcels (hereinafter referred to as “Condominium Property”);
- (b) proposed to be erected on alienated land held as one land parcel and capable of being subdivided into parcels (hereinafter referred to as “Provisional Condominium Property”);
- (c) partly erected on alienated land held as one land parcel, on which there are more than one completed condominium parcels fit for human habitation (hereinafter referred to as “Semi Condominium Property.”).

Repeal of section 3 of the principal enactment. **4.** Section 3 of the principal enactment is hereby repealed and the following section substituted therefor :-

“Registration 3.
of a

Condominium
Plan
Provisional
Condominium
Plan or a semi
Condominium
Plan .

- (1) The owner of any Condominium Property any Provisional Condominium property or any semi Condominium Property as the case may be, may make application in the prescribed form to the Registrar with the prescribed fee for the registration of a Condominium Plan, or a Provisional plan ‘ Condominium Plan or a semi Condominium Plan as

the case may be.

(2) The owner of any land parcel on which there is a completed building capable of being subdivided under section 2 and which is certified by the General Manager of the Condominium Management Authority, to be fit for occupation or use shall, make application within the period specified in paragraph (a) or (b) as the case may be, in the prescribed form with the prescribed fee to the Registrar, for the registration of a Condominium Plan which shall accompany such application, if at any time he has sold or in agreement to sell-

(a) within eighteen months from the date of such first sale or in agreement to sell or three months from the date of the completion of such building whichever is earlier ;

(b) within six months from the date of completion of such building, if the sale or agreement to sell of any parcel of the building, of which the first of such sale or agreement to sell took place, after the date of completion of such building.

(3)

(a) The owner shall make an application to the General Manager of the Condominium Management Authority, to obtain an extension of the time period specified under subsection (2).

(b) Where an application is made under paragraph (a) by the owner to the General Manager by the Condominium Management Authority may, in consultation of the Registrar grant an extension for a further period not exceeding six months.

(4) Any person who contravenes the provisions of subsection (2) or subsection (3) as the case may be shall be guilty of an offence and be liable on conviction after summary trial before a Magistrate to a fine not exceeding rupees fifty thousand and to a further fine not exceeding rupees one thousand for each day the offence continues to be committed, after such conviction.”.

Insertion of new sections 3A, 3B and 3C in the principal enactment.

5. The following new sections are hereby inserted immediately after section 3 and shall have effect as sections 3A, 3B and 3C of the principal enactment:-

“Application 3A.
for the
registration or
a
Condominium
Plan.

(1)

(a) Every application for the registration of a Condominium Plan, shall be made to in the prescribed form in triplicate.

(b) The “Original” and the “Duplicate” of such application shall be sent to the Registrar and the “Triplicate” shall be sent to the General Manager of the Condominium Management Authority.

(2) Every application made under subsection (1) shall be accompanied by –

(a) the prescribed fee ;

(b) the building plan approved by the planning authority in triplicate :

(c) the Condominium Plan in triplicate containing such details as are specified in section 5 ;

(d) certificate, from a qualified architect or a qualified civil or structural engineer, to the effect that the building was constructed in accordance with the plans and specifications by reference to which, permission was granted indicating the date on which such permission was granted and the reference number thereof ;

(e) the written consent of every person who if any is entitled to the benefit of-

(i) a charge of the land ;

(ii) a lease of the whole or any part thereof ;

(iii) a charge of such lease ; or

(iv) a lien over the land or any such lease ;

(f) the certificate of conformity issued by the local authority within whose limits the land is situated and empowered to approve the building plan ;

(g) the Certificate of Title for the land parcel :

Provided however , where the Certificate of Title to the land parcel, is not in the possession of the owner, but in the possession of any other person, a copy of a request by such owner served on such other person for the production of such Certificate to the Registrar within fourteen days from the date specified in such request shall be attached to such application ;

(h)

(i) where there is a mortgage on the Condominium Property proposed to be registered a declaration by the applicant stating details as regards the –

(A) finances already raised by mortgaging the Condominium Property and the name of such financial institution ;

(B) total amount borrowed under the aforesaid mortgage and the amount secured against each such Condominium Plan proposed to be registered.

(ii) where there is no such mortgage on the Condominium Property proposed to be registered the owner shall make a statement to that effect.

(i) a certificate from the General Manager of the Condominium Management Authority certifying that the common amenities provided for the benefit and the welfare of the occupants of the condominium parcels of the building are satisfactory and arrangements made as regards the control, administration, maintenance or management of the common elements of the Condominium Property are satisfactory : and

(j) a declaration by the applicant, attested by a Notary Public, which shall contain-

(i) a description, by reference to the

cadastral map of the land parcel on which the building is located and to which title is claimed, its boundaries, extent and situation specifying the Administrative District Divisional Revenue Officer's Division, village, ward, pattu, korale or other division or district in which the land parcel is situated, and in case the land parcel is situated in a town, the name, if any, of the street in which it is situated, together with the assessment number ; .

(ii) the name and address of the owner or owners of the condominium parcels ;

(iii) the particulars of deeds, instruments or other documents and of other evidence of title retted upon by the applicant in support of the claim to title ;

(iv) a reference to the division, volume and folio in which the title is registered under the Registration of Title Act, No. 21 of 1998 and, if the land parcel is not so registered, a declaration to the effect that the land parcel is not so registered ;

(v) the particulars of every encumbrance, lis pendens, seizure, order or decree affecting the land parcel, to the knowledge of the applicant ;

(vi) a description of the building, stating the number of storeys and basement and the number of condominium parcels ;

(vii) the number or other symbol identifying each condominium parcel and a statement of its location, floor area, number of rooms, any immediate common area to which it has access, and any other information for the purpose of identification, including corresponding information relating to an accessory parcel, if any ;

- (viii) a description of the common elements of the Condominium Property ;
 - (ix) a description of the accessory parcels of the Condominium Property, specifying the condominium parcels they are made appurtenant to irrespective of whether the accessory parcels are contiguous to the specified condominium parcels or otherwise ;
 - (x) the undivided share value of each condominium parcel in the common elements of the Condominium Property ;
 - (xi) the percentage of the undivided share in common elements appurtenant to each condominium parcel ;
 - (xii) a statement of the purpose for which the building and each of the condominium parcel is intended and restricted as to its use ;
 - (xiii) a statement of account on the advances already drawn from the prospective purchasers giving their names for allocation of condominium parcels in the Condominium Plan ;
 - (xiv) any further details in connection with the condominium property which the applicant may deem desirable to set forth consistent with this Law ;
 - (xv) any other information which may be required TO be provided by or under any written law ;
 - (xvi) the signature of the owner or owners of the condominium property ;
- (k) reference, number in the case of the registration of the Semi Condominium Plan or the Provisional Condominium Plan, as the case may be.

Application 3B.
for the
registration of

a provisional
Condominium
Plan.

(1)

(a) Every application for the registration of a Provisional Condominium Plan shall be made to in the prescribed form in triplicate

(b) The “Original” and the “Duplicate” of such application shall be sent to the Registrar and the “Triplicate” shall be sent to the General Manager of the Condominium Management Authority.

(2) Every application made under subsection (1) shall be accompanied by-

(a) the prescribed fee ;

(b) the building plan approved by the planning authority, in triplicate ;

(c) the Provisional Condominium Plan containing such particulars specified in section 5A ;

(d) the written consent of every person who if any is entitled to the benefit of-

(i) a charge of the land ;

(ii) a lease of the whole or any part thereof ;

(iii) a charge of such lease ; or

(iv) a lien over the land or any such lease.

(e) the Certificate of Title for the land parcel :

Provided however, where the Certificate of Title to the land parcel, is not in the possession of the owner, but in the possession of any other person a copy of a request by such owner served on such other person for the production of such Certificate to the Registrar of Title within fourteen days from the date specified in such request shall be attached to such application ;

(f) a certificate from the General Manager of the Condominium Management Authority certifying that-

(i) common amenities required to be provided to the proposed building, has been provided for in the approved building plan ;

(ii) the common elements of the proposed building has been properly designed in the proposed building plan, to ensure proper control, administration, maintenance or management of such common elements by the Management Corporation ;

(g) a declaration by the applicant, on the-

(i) availability of funds for the construction of the building supported by a certificate from a recognised financial institution stating the availability of financial support for the construction of such building ;

(ii) details of the finances already raised or to be raised by mortgaging the Provisional Condominium Property, and the amount secured or to be secured against each provisional condominium parcel or parcels, and the name of such financial institution, supported by a certificate from the recognized financial institution ;

(h) a financial report confirming the cost of the construction verified by a qualified quantity surveyor, or a qualified civil or structural engineer ;

(i) implementation plan of the total construction indicating the proposed date of commencement and the proposed date of completion of each of the following activities supported by a certificate of the qualified architect or a qualified civil or structural engineer as the case may be-

(i) foundation columns ;

(ii) construction of walls ;

(iii) construction of storey ;

(iv) construction of roof ;

(v) final finishing upto the level for human habitation.

(j) a declaration by the applicant attested by a Notary Public containing the requirement

specified in paragraph (j) of subsection (2) of section 3 A.

Application 3c.
for the
registration of
a Semi
Condominium
Plan.

(1)

(a) Every application for the registration of a Semi Condominium Plan shall be made to in the prescribed form in triplicate.

(b) The “Original” and the “Duplicate” of such application shall be sent to the Registrar, and the “Triplicate” shall be sent to the General Manager of the Condominium Management Authority.

(2) Every application made under subsection (1) shall be accompanied by-

(a) the prescribed fee ;

(b) the building plan approved by the planning authority, in triplicate ;

(c) the Semi Condominium Plan containing such particulars specified in section 5B ;

(d) the written consent of every person who, if any is entitled to the benefit of-

(i) a charge of the land ;

(ii) a lease of the whole or any part thereof ;

(iii) a charge of such lease ;

(iv) a lien over the land or any such lease.

(e) the Certificate of Title for the land parcel :

Provided however, where the Certificate of Title to the land parcel, is not in the possession of the owner, but in the possession of any other person a copy of a request by such owner served on such other person for the production of such Certificate for the Registrar of Title within fourteen days of the date specified in such request shall be attached to such application ;

(f) a certificate from the General Manager of the Condominium Management Authority certifying that the common amenities provide for the benefit and welfare of the occupants of the

condominium parcels of the building are satisfactory and arrangements made as regards the control, administration, maintenance or management of the common elements of the Condominium Property are satisfactory ;

(g) a certificate of conformity from the local authority within whose limits the land is situated and empowered to approve the building plan ;

(h) a certificate from a qualified architect or a qualified civil or structural engineer, as the case may be to the effect that the completed condominium parcels and provisional condominium parcels, shown in the Semi Condominium Plan has been drawn in accordance with the approved plans and specifications by reference to which, permission was given stating therein the date on which such permission was given and the reference number thereto ;

(i) the reference number in the case of the registration of a Semi Condominium Plan or a Provisional Condominium plan, as the case may be ;

(j)

(i) where there is a mortgage on the Condominium Property proposed to be registered a declaration by the applicant stating details as regards the-

(A) finances already raised by mortgaging the Condominium Property and name of such financial institution ;

(B) total amount borrowed under the aforesaid mortgage and the amount secured against each such Condominium Plan proposed to be registered ;

(ii) where there is no such mortgage on the Condominium Property proposed to be registered the owner shall make a statement to that effect.

(k) a declaration by the applicant attested by

a Notary Public containing the requirements specified in paragraph (j) of subsection (2) of section 3A.”.

Replacement of section 5 of the principal enactment.

6. Section 5 of the principal enactment is hereby repealed and the following section substituted therefor :-

“Condominium5. Plan.

(1) The Condominium Plan shall comprise of a survey plan or plans which shall be prepared and drawn by a licensed surveyor or by or under the authority of the Surveyor-General and shall –

(a) delineate the external surface boundaries and boundary marks of the Condominium Property and the position of each subdivided building thereon fixed in relation to the surface boundaries ;

(b) specify the division, volume and folio in which the land parcel is registered and the surveyed area thereof ;

(c) include a vertical section of each subdivided building showing”

(i) the floors and ceilings of each storey : and

(ii) the height of each storey,

(d) include a description , as well as the vertical section and dimensions, of each building erected within the Condominium Property as a completed subdivided building , in accordance with building plans and subdivision plans approved by the authority for the time being responsible for the approval of such plans ;

(e) delineate, subject to the provisions of subsections (2) and (3), each condominium parcel and define the boundaries thereof by reference to floors and walls showing the horizontal dimensions, without it being necessary to show any bearing ;

(f) identify the condominium parcels into which each building is divided and distinguish such parcels by assessment numbers, numbers or other symbols ;

(g) distinguish each storey by an index

letter in relation to the said parcel number of the Condominium Property and specify the condominium parcels in each storey in relation to the number of such storey ;

(h) specify the approximate floor area of each condominium parcel ;

(i) delineate the external boundaries and show the horizontal dimensions without it being necessary to show any bearing of each building erected within the Condominium Property as a completed subdivided building in accordance with building plans any subdivided plans approved by the authority for time being responsible for the approval of such plans ;

(j) define the common elements of the Condominium Property ;

(k) bear an endorsement by the person preparing it to the effect that the building shown in the condominium plan is within the external horizontal boundaries of the Condominium Property ;

(l) to it a certificate from a registered architect or a registered professional civil or structural engineer to the effect that the condominium parcels shown therein are the same as those existing on the Condominium Property ;

(m) enter the share value of each condominium parcel in the plan in compliance with the provisions of section 20A ; and

(n) bear an endorsement with a certificate of a licensed surveyor that all buildings and all Condominium parcels shown in the Condominium Plan in relation to the external surface boundaries of the Condominium Property are within the Condominium Property and are in compliance with the building plan, and the subdivision plans issued by the authority for the time being responsible for the approval of such plans.

(o) show the share values in whole numbers of each condominium parcel and number equal to the aggregate share value entitlement of all the condominium parcels

;

(p) have endorsed upon it the address at which documents may be served on the management corporation in accordance with section 20N ; and

(q) contain such other particulars as may be prescribed.

(2) Where an accessory parcel consists of a building and is bounded by external walls, floors and ceilings, the dimensions and boundaries of such accessory parcel shall be shown in the Condominium Plan in accordance with the requirements of subsection (1).

(3) Where an accessory parcel does not consist of a building-

(a) the external boundaries of the accessory parcel shall be ascertained from the building plans and subdivision plans approved by the authority for the time being responsible for the approval of such plans and the accessory parcel shall be unlimited in its vertical dimension except to the extent of any projection above, or encroachment below ground level by another part of the condominium property ; and

(b) the Condominium Plan shall show a diagram of the accessory parcel with similar dimensions as those shown on the approved plans referred to in paragraph (a).

(4) Unless otherwise stipulated in the Condominium Plan , the common boundary on any condominium parcel with another condominium parcel or with the common elements shall be the centre of the floor, wall or ceiling as the case may be.”.

Insertion of new sections 5A and 5B of in the principal enactment. **7.** The following new sections are hereby inserted immediately after section 5 of the principal enactment and shall have the effect as sections 5A and 5B of that enactment:-

Provisional **5A.** The Provisional Condominium Plan shall be prepared and Condominium drawn by a licensed surveyor or by or under the authority of Plan. the Surveyor General and shall :-

(a) delineate the external surface boundaries and boundary marks of the proposed Condominium

Property and position of each subdivided building proposed to be erected thereon in relation to the surface boundaries ;

(b) specify the division, volume and folio in which the land parcel is registered and the surveyed area thereof ;

(c) include a vertical section of each subdivided building proposed to be erected showing-

(i) the floors and ceiling of each storey ; and

(ii) the height of each storey ;

(d) include a description, as well as the vertical section and dimensions, of each building proposed to be erected within the land parcel in accordance with building plan approved by the authority for the time being responsible for the approval of such plans ;

(e) delineate, subject to the provisions of subsections (2) and (3) of section 5, each proposed condominium parcel and define the boundaries thereof by reference to floors and walls showing the horizontal dimensions, without it being necessary to show any bearing ;

(f) identify the proposed condominium parcels into which each proposed building is to be divided and distinguish such parcels by assessment numbers, numbers of other symbols ;

(g) distinguish each proposed storey by an index letter in relation to the land parcel number of the cadastral map and specify the proposed condominium parcels in each storey in relation to number of such storey ;

(h) specify the approximate floor area of each proposed parcel ;

(i) delineate the external boundaries and show the horizontal dimensions without it being necessary to show any bearing of each building proposed to be erected within the land parcel in accordance with the building plan approved by the authority for the time being responsible for the approval of such plan ;

(j) define the provisional common elements of the provisional condominium property ;

(k) show the provisional share values in whole numbers of each proposed condominium parcel and a number equal to the aggregate provisional share value entitlement of all the proposed condominium parcels ;

(l) bear an endorsement by the person preparing such plan to the effect that the building proposed to be erected shown in the Provisional Condominium Plan is in accordance with the building plan approved by the authority for the time being responsible for the approval of such plan.

Semi Condominium Plan 5B. The Semi Condominium Plan shall be prepared and drawn by a licensed surveyor or by or under the authority of the Surveyor-General and shall-

(a) delineate the external surface boundaries and boundary marks, of the Semi Condominium Property and the position of each partly completed subdivided building thereon fixed in relation to the surface boundaries and the position of the balance portion of the building yet to be completed in accordance with the building plan approved by the authority for the time being thereon in relation to the surface boundaries ;

(b) specify the division, volume and folio in which the land parcel is registered and the surveyed area thereof ;

(c) include a vertical section of each partly completed subdivided building showing-

(i) the floors and ceiling of each storey ; and

(ii) the height of each storey,

(d) include a description, separately the vertical section and dimensions of partly completed building erected, and vertical section and dimensions of balance portion of the building yet to be completed within the land parcel in accordance with building plan approved by the authority for the time being responsible for the approval of such plans ;

(e) delineate, subject to the provisions of subsections (2) and (3) of section 5. each condominium parcels of the partly completed building, and define the boundaries thereof by reference to floors and walls showing the horizontal dimensions, without it being necessary to show any bearing ;

(f) identify the condominium parcels of the partly completed building, into which each building is to be divided and distinguish such parcels by assessment numbers, numbers or other symbols ;

(g) distinguish each storey by an index letter in relation to the land parcel number of the cadastral map and specify the condominium parcels of the

- partly completed building in each storey in relation to the number of such storey ;
- (h) specify the approximate floor area of each parcel ;
- (i) delineate the external boundaries and show the horizontal dimensions without it being necessary to show any bearing of each partly completed building erected within the land parcel in accordance with the building plan approved by the authority for the time being responsible for the approval of such plan ;
- (j) define the common elements of the Semi Condominium Property ;
- (k) show the share values in whole numbers of each condominium parcel of the partly completed building and each provisional condominium parcel of the balance portion of the building yet to be completed and a number equal to the aggregate share value entitlement of all such condominium parcels and all such provisional condominium parcels ;
- (l) bear an endorsement by the person preparing such plan to the effect that the partly completed building erected show in the Semi Condominium Plan is in accordance with the building plan approved by the authority for the time being responsible for the approval of such plan.’.

Replacement of section 6 of the principal enactment .

8. Section 6 of the principal enactment is hereby repealed and the following section substituted therefor :-

Registration 6.
of
Condominium
plans. Plans
of redivision
of
amalgamation
and appeals
against
refusals.

(1) Upon receipt of any application for the registration of a Condominium Plan, “Provisional Condominium or a Semi Condominium Plan” or any application under section 8 for the registration of a “Plan of amendment or any application under section 8B for the registration of a Plan of amendment or any application under section 12 for the registration of a Plan of re-division or a Plan of amalgamation or any application under section 8A for registration of a Plan of addition the Registrar shall refer such application together with the Condominium Plan, or the Provisional Condominium Plan, or the Semi Condominium Plan, or the Plan of amendment, or the Plan of re-division or the Plan of amalgamation or the Plan of additions, as the case may be. and the

cadastral map to the Superintendent of Survey for certification.

(2) Where the Superintendent of Survey is satisfied, that the Condominium Plan or Provisional Condominium Plan, or Semi Condominium Plan, or the Plan of amendment, or the Plan of re-division or the Plan of amalgamation or the Plan of additions, as the case may be, conforms to the provision of the Registration of Title Act, No. 21 of 1998, he shall certify such plan on behalf of the Survey-General and-

(a) file the original of the Condominium Plan or the Provisional Condominium Plan, or the Semi Condominium Plan or the Plan of amendment or the Plan of re-division, or the Plan of amalgamation or the Plan of additions, as the case may be after making suitable references and after making necessary amendments or alterations, or subdivisions or amalgamation or incorporations, on the cadastral map used for registration of title ; and

(b) forward the duplicate of such plan and the application to appropriate Registrar along with the cadastral map after making necessary references or amendments, or subdivisions or amalgamation as the case may be.

(3) Upon receipt of a cadastral map duly certified from the Superintendent of Surveys, the Registrar shall, if he is satisfied that such application conforms to the provisions of the of the Registration of Title Act, No. 21 of 1998, and-

(a) where the application is for the registration of a Condominium Plan”

(i) file the duplicate of the Condominium Plan in the condominium parcel file ;

(ii) open a new title file register in respect of each condominium parcel shown in the Condominium Plan and make suitable cross references to such register and, in the register in which the land parcel has been

registered and in the register on which Provisional Condominium Plan or Semi Condominium Plan has been registered if there are previously registered Provisional Condominium Plan or Semi Condominium Plan ;

(iii) record in the property section, in the register pertaining to the land parcel, that the land comprised therein consists only of common property ;

(iv) record in the encumbrances section in the register in respect of each condominium parcels shown in the condominium plan, on the existence of mortgages and the amount secured against each such condominium parcel, and particulars of every encumbrances, such as leases, agreements for sale, lispendance seizure order or decree & c, affecting the condominium parcel, if any ;

(v) inform the applicant that such, condominium plan has been registered (hereinafter referred to as “registered Condominium Plan”) and notify him, of the reference, with a notification to the Condominium Management Authority ;

(vi) issue a certificate of “condominium title”, in respect of the individual condominium parcel on receipt of the prescribed fee.

(b) where the application is for the registration of a Provisions Condominium Plan”

(i) file the duplicate of the Provisional Condominium Plan in the provisional condominium parcels file ;

(ii) open a new provisional title file register in the register in respect of each provisional condominium parcel shown in the Provisional

Condominium Plan and make suitable cross references to such register in the register in which the land parcel has been registered ;

(iii) record in the property section in the register pertaining to the land parcel that the land comprised therein consists only of provisional common property ;

(iv) record in the encumbrances section in the register in respect of each provisional condominium parcels on the existence of mortgages and the amount secured against each such condominium parcels, and particulars of every encumbrances such as leases, agreements for sale, lispendance seizure order, or decree & c, effecting the condominium parcel, if any ;

(v) inform the applicant that such Provisional Condominium Plan has been registered (hereinafter referred to as “registered Provisional Condominium Plan”) and notify him of the reference numbers of the relevant registers with a notification to the Condominium Management Authority ;

(vi) issue a certificate of Provisional Condominium title, in respect of individual provisional condominium parcels on receipt of the prescribed fees.

(c) where the application is for the registration of the Semi Condominium Plan”

(i) file the duplicate of the Semi Condominium Plan in the semi condominium parcel file ;

(ii) open a new title file register in the register in respect of each condominium parcel shown in the Semi Condominium Plan and make suitable cross references to such register and, in the register in which the land parcel has been registered

and in the register on which Provisional Condominium Plan has been registered, if there are previously registered Provisional Condominium Plan ;

(iii) record in the property section, in the register pertaining to the land parcel, that the land comprised therein consists only of common property ;

(iv) record in the encumbrances section in the register in respect of each condominium parcels shown in the semi condominium plan, on the existence of mortgages and the amount secured against each such condominium parcel and particulars of every encumbrances, such as leases, agreements for sale, lis pendens seizure order or decree & c, affecting the condominium parcel, if any;

(v) inform the applicant that such, semi condominium plan has been registered (hereinafter referred to as “registered Semi Condominium Plan”) and notify him of the reference numbers of the relevant registers, with a notification to the Condominium Management Authority ;

(vi) issue a certificate of Semi Condominium Title, in respect of the individual condominium parcels, on receipt of the prescribed fees.

(d) where the application is for the registration of any plan of amendment of the registered Condominium Plan or of the registered Semi Condominium Plan or any Plan of re-division or any Plan of amalgamation of the registered Condominium Plan or of the registered Semi Condominium Plan”

(i) file the duplicate of the Plan of amendment, or Plan of re-division or Plan of amalgamation in the relevant

condominium parcel file :

(ii) make necessary references in the condominium title register in respect of each condominium parcels shown in the registered Condominium Plan or in the registered Semi Condominium Plan, and make necessary cross references to original registered Condominium Plan or original registered Semi Condominium Plan ;

(iii) inform the applicant that such amendment or redivision or amalgamation of the registered Condominium Plan or of the registered Semi Condominium Plan, has been registered, and notify him of the reference numbers of the relevant register with a notification to the Condominium Management Authority ;

(iv) issue a fresh “certificate of Condominium Title” in respect of individual condominium parcels, on receipt of the prescribed fee.

(e) where the application is for the registration of any plan of amendment of the registered Provisional Condominium Plan ”

(i) file the duplicate of the Plan of amendment of the registered Provisional Condominium Plan in the relevant provisional condominium parcel file

(ii) make necessary reference in the provisional condominium title register in respect of each provisional condominium parcels shown in the registered Provisional Condominium Plan and make necessary cross references to original registered Provisional Condominium Plan :

(iii) record in the encumbrances section in the register in respect of each amended provisional condominium parcels on the existence of mortgages and the

amount secured against each such condominium parcels, and particulars of every encumbrances, such as leases, agreements for sale, lis pendens seizure order or decree & c. affecting the condominium parcel, if any ;

(iv) inform the applicant that such amendment of the registered provisional condominium plan has been registered and notify him of the reference numbers of the relevant register with a notification to the Condominium Management Authority ;

(v) issue a fresh “certificate of Condominium Title” in respect of individual condominium parcels, on receipt of the prescribed fee.

(f) where the application is for the registration of any plan of additions of the registered Semi Condominium Plan”

(i) file the duplicate of the plan of additions, of the registered Semi Condominium Plan in the relevant condominium parcel file ;

(ii) make necessary references in the condominium title register in respect of each condominium parcels added subsequently shown in the plan of additions of the registered Semi Condominium Plan, and make necessary cross references in the register in which the land parcel has been registered and in the register on which Semi Condominium Plan or Provisional Condominium Plan has been registered ;

(iii) record in the encumbrances section in the register in respect of each condominium parcels added subsequently shown in the plan of additions of the registered Semi Condominium Plan, on the existence of mortgages and the amount secured against each such condominium

parcel and particulars of every encumbrances, such as leases, agreements for sale, lis pendens seizure order or decree & c. affecting such condominium parcel, if any ;
(iv) inform the applicant with copy to the Condominium Management Authority that such condominium parcels has been registered in the registered semi condominium plan ;
(v) issue of "certificate of Condominium Title", in respect of such condominium parcels on receipt of the prescribed fee.

(4) Sections 34, 35 and 37 of the Registration of Title Act, No. 21 of 1998, shall, mutatis mutandis, apply to the inspection of the title register and the cadastral map, issue of certified copies of documents and extracts of cadastral maps and obtaining of certificate of ownership or interest of the condominium parcel or parcels.

(5) Where the Registrar refuses to register the Condominium Plan or the Provisional Condominium Plan or the Semi Condominium Plan or the Plan of amendment, or the plan of redivision or the Plan of amalgamation or the Plan of additions as the case may be, he shall make an order of refusal and record his reasons for such order in the prescribed register and shall endorse the words "Registration of condominium title refused" or "Registration of provisional condominium title refused" or "Registration of semi condominium title refused" , as the case may be, on the instruments and on the application made by the person who presented the application for such registration and shall, without payment or unnecessary delay issue to the applicant a copy of the reasons so recorded.

(6) An appeal shall lie from every order made by the Registrar refusing to register the Condominium Plan or the Provisional Condominium Plan, or the Semi Condominium Plan, or the Plan of amendment, or the Plan of re-division or the Plan of amalgamation or the Plan of additions and the provisions in section 38 of the Registration of Documents Ordinance shall, mutatis mutandis apply in relation to such appeal.

Replacement of **9.** Section 7 of the principal enactment is hereby repealed and the following

section 7 of the principal enactment.

section substituted therefor :-

“Retention 7. Section 53 of the Registration of Title Act, No. 21 of 1998, and shall mutatis mutandis, apply to the retention and destruction of destruction ail instruments accepted by the Registrar and filed in the of condominium parcels file, or in the provisional condominium instruments.parcels file.”.

Replacement of section 7A of the principal enactment.

10. Section 7A of the principal enactment is hereby repealed and the following section substituted therefor :-

“Registration 7A.

of

Condominium

Property,

Provisional

Condominium

Property and

semi

Condominium

Property.

(1) The Condominium Plan or the Provisional Condominium Plan or the Semi Condominium Plan as the case may be, shall be deemed to be registered under the provisions Condominium of this law, when the application of the owner, Property, and of the Condominium Property or the Provisional Condominium Property or the Semi Condominium Property tendered for registration has been signed and sealed by the Registrar and made cross reference in all relevant title registers are duly made.

(2) Upon the registration of the Condominium Plan or the Provisional Condominium Plan or the Semi Condominium Plan, as the case may be the owner of any condominium parcel of the Condominium Property, the owner of any provisional condominium parcel of any Provisional Condominium Property, or the owner of any condominium parcel of the Semi Condominium Property, shall be deemed to be the owner of his parcel and his share in the common elements or provisional common elements, subject to the encumbrances, if any, registered or notified in the relevant register.”.

Replacement of section 8 of the principal enactment.

11. Section 8 of the principal enactment is hereby repealed and the following section substituted therefor :”

“Amendment 8.

of the

Condominium

Plan or semi

Condominium

Plan.

(1) The owner of any condominium parcel of a registered condominium property or of a registered semi condominium property may make an application in the prescribed form to the Registrar, for the registration of the plan of amendment of the registered Condominium Plan or of registered Semi Condominium Plan.

(2) An application for the registration of such plan shall be accompanied by-

(a) survey plan, (hereinafter referred to as “the Plan of amendment” of the registered Condominium Plan or of the registered Semi Condominium Plan) prepared and drawn by a licensed surveyor to be submitted in triplicate showing the relevant alterations caused to the existing condominium parcel of the registered Condominium Plan or of the registered Semi Condominium Plan ;

(b) a certificate from a qualified Architect or a qualified civil or structural Engineer to the effect that the alterations shown in the survey plan conform to the position existing on the land ;

(c) certificate from the General Manager certifying that the alterations to the condominium parcel do not cause any adverse effect on the requirements of the control, administration, maintenance, and management of the common elements of the Condominium Property or of the Semi Condominium Property ;

(d) approval of the relevant authority for such alterations to be affected to the approved building plan ;

(e) consent of the relevant mortgagee, if any, for such alterations to be affected to such condominium parcel.”.

Insertion of new section 8A and 8B in the principal enactment. **12.** The following new sections are hereby inserted immediately after section 8 and shall have effect as sections 8A and 8B of the principal enactment ;-

‘Registration 8A of the condominium parcels added subsequently to the partly completed building shown in the registered Semi condominium

(1) The owner of any Semi Condominium Property may apply to the Registrar for the registration of the condominium parcels subsequently added to the partly completed building, shown in the registered Semi Condominium Plan.

(2) An application for registration under subsection (1) shall be in the prescribed form, and be accompanied by-

(a) the prescribed fee ;

plan.

(b) survey plan in triplicate, (hereinafter referred to as the "Plan of additions" of the registered Semi Condominium Plan) to be submitted, prepared and drawn by a licensed surveyor, or by , or under the authority of the Surveyor-General and shall-

(i) show the relevant condominium parcels added subsequently to the partly completed building shown in the registered Semi Condominium Plan ;

(ii) show the undivided share value and the percentage of the individual share of each condominium parcel in common elements appurtenant to such condominium parcels ;

(iii) give reference number of the cadastral map and the previous registration number of certificate of condominium title of each condominium parcels shown in the registered Semi Condominium Plan,

(c) a certificate from a qualified Architect or a qualified civil or structural engineer to the effect that the condominium parcels shown in the plan of additions conforms to the position existing on the land ;

(d) certificate from the General Manager of the Condominium Management Authority certifying that the condominium parcels shown in the Plan of additions is fit for human habitation and the services of common amenities provided to such parcels are satisfactory ;

(e) the certificate of semi condominium title subject to the provisions specified in paragraph (g) of subsection (2) of section 3A ;

(f) a certificate of conformity from the authority who has been empowered to approve the building plan to the effect that the condominium parcels shown in the plan of additions of registered semi condominium plan is in conformity with the regulations ;

(g) a declaration of the applicant as per the provisions specified in paragraph (h) of

subsection (2) of section 3A ;
(h) a declaration of the applicant and attested by a Notary Public, which shall contain the-

(i) full name and address of the registered owner the reference number relating to certificates of condominium title on condominium parcels ;

(ii) changes affected to the undivided share value and percentage of such value of each condominium parcel in the common elements appurtenant to such condominium parcels shown in the plan of additions of the registered Condominium Plan ;

(iii) reference number on previous registration of Semi Condominium Plan ;

(iv) a statement of account on the advances already drawn from the prospective purchasers giving their names for allocation of such condominium parcels shown in the Plan of additions of the registered Semi Condominium Plan ;

(v) the signature of the owner or owners of the semi condominium property.

Amendment 8B. The owner of any registered provisional condominium to the property, may apply in writing to the Registrar for the “plan of registered amendment” of the registered Provisional Condominium Plan Provisional of Provisional Condominium Property. Application of the Condominiumowner for such registration in a prescribed form, shall be Plan of the accompanied with” Provisional Condominium Property.

(a) a survey plan, (hereinafter referred to as “the Plan of amendment” of the registered Provisional Condominium Plan) prepared and drawn by a licensed surveyor to be submitted in triplicate showing the relevant alterations caused to the provisional condominium parcel of the registered Provisional Condominium Plan ;

(b) a declaration of the applicant, along with a financial report confirming the cost of the construction of the building due to amendments effected to the registered Provisional Condominium

Plan, verified by a qualified quantity surveyor or by a qualified civil or structural engineer, on”

(i) availability of funds for the construction of the building supported by a certificate from a recognized finance institution indicating their willingness to finance for the project ;

(ii) details of the finances already raised or to be raised by mortgaging the Provisional Condominium Property, and the amount secured or to be secured against each provisional condominium parcel or parcels, and name of such financial institution, supported by a certificate from the recongnised financial institution ;

(c) implementation plan of the total construction indicating the date of commencement and the date of completion of each of following activities supported by a certificate of the qualified architect or qualified civil or structural engineer”

(i) foundation and columns ;

(ii) construction of walls ;

(iii) construction of storey ;

(iv) construction of roof;

(v) Final finishing upto the level for human habitation ;

(vi) certificate from the General-Manager certifying that the alterations to the provisional condominium parcel does not cause any adverse effect on the requirements of control, administration, maintenance, and management of the common elements by the management corporation ;

(vii) approval of the relevant authority for such alterations to be affected to the approved building plan.”.

Replacement of section 9 of the principal enactment.

13. Section 9 of the principal enactment is hereby repealed and the following section substituted therefor :-

“Effect of 9 registration of Condominium Plan or Semi Condominium

(1) Upon registration of the Condominium plan or semi Condominium Plan, each building or partly completed building depicted in the Condominium

Plan.

Property or Semi Condominium Property shall be deemed to be divided into units and identified therein and thereupon the common elements shall be held by the owners of all the condominium parcels as tenants in common proportional to their respective share parcels and for the same term and tenure as their respective condominium parcels are held by them.

(2) The Registrar on registration of the Condominium Plan or Semi Condominium Plan shall certify therein the share which the owner of a condominium parcel has in the common elements.

(3) The share value which each owner of a condominium parcel has in the common elements shall be given according to the user of such condominium parcel whether commercial or residential or otherwise, as the case may be.

(4) Notwithstanding anything to the contrary in any other law but subject to the provisions of this Law, after the registration of a Condominium Plan, or Semi Condominium Plan, any condominium parcel depicted therein together with the common elements appurtenant thereto may be held and dealt with in the same manner and form as any land.

(5) Upon registration of a Condominium Plan, or Semi Condominium Plan, each condominium parcel depicted therein together with the common elements appurtenant thereto shall be deemed to be absolutely owned by the person or persons described in the relevant plan as the owner or owners of the Condominium Property or the Semi Condominium Property, as may be applicable without prejudice to the right of the mortgagee to exercise the right of execution of parate or to obtain monetary compensation in terms of the law relevant to such mortgage, or to the right of any other person to obtain monetary compensation for any loss suffered as a result of any mortgage, agreement for sale or interest he had in the Condominium Property or in the Semi Condominium Property before such registration, being adversely affected.’

Insertion of new section 9A in the principal enactment.

14. The following new section is hereby inserted immediately after section 9 and shall have effect as section 9A of the principal enactment:-

‘Effect of 9A. Upon registration of a Provisional Condominium Plan, registration of each provisional Condominium parcel depicted therein provisional together with the provisional common elements appurtenant

Condominiumthereto, shall be deemed to be absolutely owned by the person described in the relevant plan as the owner of the Provisional Condominium Property, and shall exercise such ownership, subject to the following limitations :-

(a) the existence of any mortgages executed prior to the registration of provisional condominium plan, or after the registration of provisional condominium plan securing the land parcel, where the proposed building is to be erected, shall extend to each such provisional condominium parcel, and shall no right to execute any instrument in respect of any of the provisional condominium parcel or land parcel, in favour of any other party, without the consent of the mortgagee or mortgagees ;

(b) the existence of any agreements of sale for individual provisional condominium parcel registered at the registrar, shall be recognized as an encumbrance of the absolute ownership, and exercisable, without prejudice to the rights of such prospective purchaser, who is a party to the said agreement of sale ;

(c) the owner shall not sell, lease, rent or dispose in any other manner, other than by way of mortgage, the land parcel where the proposed building is to be erected, shown in the registered Provisional Condominium Plan, until the said building is partly completed and registered at the registrar as "Semi Condominium Property". Where a sale, lease, rent or any other disposition, other than the mortgage, is executed by or on behalf of the owner in contravention of this provisions, shall be null and void and shall have no force of effect in law ;

Provided that, nothing in these provisions shall be deemed to preclude any authority from selling the said property for recovering the amount due on any mortgage bond or on any agreement for sale in accordance with any other written law.'.

Replacement of section 10 of the principal enactment.

15. Section 10 of the principal enactment is hereby repealed and the following section substituted therefor :-

“Registration 10. of subsequent instrument affecting condominium

(1) No person acquiring an title or interest or benefit in any condominium parcel of a registered Condominium Property or of a registered Semi

parcel.

Condominium Property shall be entitled to such title or interest, or benefit, unless such title, or interest or benefit is registered under the provisions of Registration of Title Act. No. 21 of 1998.

(2) Upon accepting for registration, of any instrument for conveying title or interest or benefit in a condominium parcel, the Registrar shall register same in the title register in respect of relevant condominium parcel in the prescribed manner and make suitable cross references to registered Condominium Plan, or registered Semi Condominium Plan.

(3) The provisions of sections 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49 of the Registration of Title Act, No. 21 of 1998, shall, mutatis mutandis, apply in respect of subsequent transaction relating to registered condominium parcel.”.

Replacement of section 11 of the principal enactment.

16. Section 11 of the principal enactment is hereby repealed and the following section substituted therefor:-

“Shares in 11. No share in the common elements of a registered, common Condominium Property or of a registered Semi Condominium elements of Property shall be disposed of or otherwise dealt with except as the appurtenant to a condominium parcel of such property, and any alienation of any condominium parcel shall be deemed also to convey the undivided share of the owner in the common elements appertaining to that condominium parcel notwithstanding the fact that no specific or particular reference has been made thereto in the instrument or deed relating to such alienation.”.

Replacement of section 11A of the principal enactment.

17. Section 11A of the principal enactment is hereby repealed and following section substituted therefor :-

“Accessory 11A.
parcels

(1) No accessory parcel or any share or estate or interest therein shall be dealt with independently of the condominium parcel to which such accessory parcel has been made appurtenant as shown on the relevant registered Condominium Plan or on the relevant registered Semi Condominium Plan.

(2) Any person who deals with any accessory parcel or any share, estate or interest therein independently and not made as appurtenant to the condominium parcel which such accessory parcel is shown on the registered relevant condominium plan or on the

registered relevant semi condominium plan, as being appurtenant shall be guilty of an offence .

(3) Any assurance made in contravention of the provisions of subsection (1), shall not be registered under this Law and any registration thereof shall be null and void and shall not pass any estate or interest in the accessory parcel.

(4) Where such assurance has been registered, the Registrar on discovery thereof shall cancel the registration, and no person affected by such cancellation shall be entitled to any compensation.”.

Replacement of section 12 of the principal enactment.

18. Section 12 of the principal enactment is hereby repealed and the following section hereby substituted therefor:-

“Re-division 12 amalgamation of condominium parcel.

(1) Any owner or owners of the condominium parcels of the condominium property or the semi condominium property may, apply in writing to the Registrar, for the registration of the Plan of re-division or the Plan of amalgamation of the registered Condominium Plan or of the registered Semi Condominium Plan or of the Condominium Property or of the Semi Condominium Property.

(2) An application under subsection (1) shall be in a prescribed form and be accompanied with –

(a) the prescribed fees ;

(b) the survey plan in triplicate (hereinafter referred to as the Plan of re-division or the Plan of amalgamation of the registered Condominium Plan or of the registered Semi Condominium Plan) prepared and drawn by a licensed surveyor, or by or under the authority of the Surveyor-General and shall ”

(i) show the relevant changes effected to the existing condominium parcel or parcels of the registered Condominium Plan or of the registered Semi Condominium Plan due to re-division or amalgamation;

(ii) show the undivided share value and the percentage of the individual share of each condominium parcel in

common elements appurtenant to the re-divided or amalgamated condominium parcels ;

(iii) give reference number of the cadastral map and the previous registration number of certificate of condominium title of each condominium parcel ;

(c) a certificate from the qualified Architect and qualified civil or structural engineer, to the effect that the re-division or amalgamation shown in the plan of re-division or plan of amalgamation conforms to the position existing on the land ;

(d) a certificate from the General Manager of the Condominium Management Authority certifying that the re-division or amalgamation does not cause any adverse effect on the requirements of control, administration, maintenance and management of the common element of the Condominium Property or of the Semi Condominium Property ;

(e) approval of the relevant authority for such re-division or amalgamation to be affected to the approved building plan ;

(f) consent of the relevant mortgagee, if any for such re-division or amalgamation to be affected to such condominium parcel

(g) a declaration of the applicant and attested by a Notary Public, which shall contain of”

(i) registered full name of the owner or owners and their addresses of the relevant condominium parcel or parcels that are being re-divided or amalgamated and reference numbers relating to certificates of condominium title ;

(ii) changes to be effected to the ownership giving full names and addresses of the owners of each re-divided of amalgamated condominium parcel, and the nature of the instruments or documents to be relied for such changes ;

- (iii) undivided share value and percentage of such value of each condominium parcel in the common elements appurtenant to such parcels, before and after such re-division and amalgamation ;
- (iv) the signature of the owner or owners of the condominium parcel or parcels of the Condominium Property or Semi Condominium Property”.

Amendment of section 13 of the principal enactment.

19. Section 13 of the principal enactment is hereby amended by the substitution for the word “unit” wherever that word appears in that section of the word “parcel”.

Amendment of section 15 of the principal enactment.

20. Section 15 of the principal enactment is hereby amended by the substitution for the word “unit” wherever that word appears in that section of the words “parcels”.

Amendment of section 16 of the principal enactment.

21. Section 16 of the principal enactment is hereby amended by the substitution for the word “units” wherever that word appears in that section of the words ”parcels”.

Amendment of section 17 of the principal enactment.

22. Section 17 of the principal enactment is hereby amended as follows :-

- (1) by the substitution for the words “unit 11 and “units” wherever those words appears in that section of the words “parcel” and “parcels” respectively ;
- (2) by the addition immediately after subsection (4) of that section of the following subsection :-

“(5) The provisions in sections 40, 41, 42, 43,44, 45, 46, 47, 48 and 49 of the Registration of Title Act, No. 21 of 1998 shall apply, mutatis mutandis, in relation to the execution of any instrument and for the registration of such instruments.”.

Amendment of section 18 of the principal enactment.

23. Section 18 of the principal enactment is hereby amended by the substitution for the words “unit” and ”units” wherever those words appears in the section of the words” parcel and “parcels” respectively.

Amendment of section 19 of the principal enactment.

24. Section 19 of the principal enactment is hereby amended as follows :-

- (1) by the substitution for the words “unit” and “units” wherever those words appear in that section of the words “parcel” and “parcels” respectively ;
- (2) in subsection (1) of that section by the substitution for the words “an owner of a unit may” of the words “the

Condominium Management Authority or an owner of a condominium parcel may”.

Amendment of section 20 of the principal enactment. **25.** section 20 of the principal enactment is hereby amended by the substitution for the word “units” wherever that word appears in the section of the word “parcels”.

Amendment section 20A of the principal enactment. **26.** Section 20A of the principal enactment is hereby amended by the substitution for the words “unit” and “units” wherever these words appear in the section of the words “parcel” and “parcels” respectively.

Amendment of section 20B of the principal enactment. **27.** Section 20B of the principal enactment is hereby amended as follows :-

(1) in subsections (1) of that section by the substitution for the word “units” of the words “condominium parcels” and by the substitution for the words “Condominium Plan” of the words “Condominium Plan or the Semi Condominium plan” ;

(2) in subsection (2) of that section by the substitution for the words “Condominium Property” of the words “Condominium Property of the Semi Condominium Property and by the substitution for the words “units” of the words “condominium parcels” ;

(3) by the repeal of subsection (3) of that section and the substitution therefor of the following :-

“(3) Immediately after the establishment of the management corporation by virtue of the operation of this Law the Condominium Management Authority shall subject to the provisions in the First Schedule to this Law, summon, not later than three months from the date of such establishment, the first annual general meeting of the management corporation and elect the first council, and such council shall cease to hold office at the next annual general meeting. Upon the elections of the first council, subject to the provisions in the First Schedule, the council shall perform the duties and exercise the powers of the management corporation and conduct the business of the management corporation on its behalf.

(4) in subsections (5) and (6) of that section by the substitution for the word ”unit” of the words “condominium parcel” ;

(5) in subsection (7) of that section by the substitution for the words “owners of all the unit includes the persons entitled to the Condominium Property” of the words “owners of all the Condominium parcels” includes the persons entitled to the condominium Property or the Semi Condominium Property ;

(6) by the insertion immediately after subsection (7) of that section of the following subsection :-

“(8) The management corporation of the registered semi condominium property shall, continue to function as the management corporation of the registered condominium property, immediately after the conversion of such Semi Condominium Property into a Condominium Property, upon registration of such Condominium Property by the Registrar.”.

Amendment of section 20c of the principal enactment.

28. Section 20c of the principal enactment is hereby amended as follows :-

(1) by the substitution for the words “unit” and ”units” wherever those words appear in that section of the words “condominium parcel” and “condominium parcels”“ respectively ;

(2) in subsection (i) of that section –

(a) in paragraph (g) of that subsection by the substitution for the words “Condominium Property” of the words “Condominium Property or Semi Condominium Property” ;

(b) by the insertion immediately after paragraph (g) of that subsection of the following paragraph :-

(gg) to comply with any notice or order made by any government, public authority requiring the removal of any unauthorized constructions effected to any Condominium Property or Semi Condominium Property in contravention of the approved building plan, and to request and to assist the Condominium Management Authority or the Urban Development Authority or the local authority for such removal ;”;

(3) in subsection (2) of that section –

(a) by the insertion immediately after paragraph (a) of that subsection of the following :-

“(aa) to contract with the National Water Supply and Drainage Board, the Ceylon Electricity Board, any local authority, any other authority or any other licensee for the supply water, electricity and other utilities for all condominium parcels of the building and to provide such services to all owners of the Condominium parcels, on recovery of service charges, and monthly charges for such consumptions ;

(bb) to take every step to recover the monthly charges, for the consumption of water, electricity and other utilities provided by the National water Supply and Drainage Board, the Ceylon Electricity Board, any local authority any other authority or licensee by way of discontinuance of individual connections for water or electricity or other utilities and to continue the discontinuance of such supply to such condominium parcel, until the respective charges are being paid to the management corporation by the respective owner or owners of the condominium parcel or parcels;”.

(b) by the insertion immediately after paragraph (b) of that subsection of the following :-

“(bb) to levy a monthly contribution on the owners of all the condominium parcels in proportion to the share parcels of their respective condominium parcels for the purposes mentioned in section 20H and to recover such contribution from the owners of all the condominium parcels;”;

(c) by the addition immediately after paragraph (e) of that section of the following paragraph:-

“(f) to take every steps to prevent and to remove all unauthorized constructions effected to the Condominium Property or Semi Condominium Property in contrary to the approved building plan and to request or assist the Condominium Management Authority or the Urban Development Authority or any local authority to remove such unauthorized constructions.”;

Amendment of section 20D of the principal enactment. **29.** Section 20D of the principal enactment is hereby amended by the substitution for the words “unit” and “units” wherever those words appear in that section of the words “condominium parcel” and “condominium parcels” respectively.

Amendment of section 20E of the principal enactment. **30.** Section 20E of the principal enactment is hereby amended as follows :-

(1) in subsection (1) of that section by the substitution for the words “on the application of the Management Corporation” of the words “on the application of the Condominium Management Authority or the Management Corporation”;

(2) by the substitution for the word “unit” wherever the word appears in this section of the words “condominium property”.

Amendment of section 20F of the principal enactment.

31. Section 20f of the principal enactment is hereby amended by the substitution for the word “units” of the word “condominium parcels”.

Amendment of section 20G of the principal enactment.

32. Section 20G of the principal enactment is hereby amended as follows :-

(1) in subsection (1) of that section by the substitution for the words “Condominium Plan” of the words “Condominium Plan or in a Semi Condominium Plan”;

(2) by the repeal of subsection (3) of that section and the substitution therefor of the following subsection :-

“(3) The by-laws set out in the Second Schedule to this Law, shall, with effect from the registration of Condominium Plan or a Semi condominium Plan, be in force for all purposes in relation to every sub-divided building.”;

(3) by the repeal of subsection (4) of that section and the substitution therefor of the following subsection :-

“(4) The management corporation may, subject to the provisions of this Law and any other written law by special resolution make additional by-laws, not inconsistent with the by-laws set out in the Second Schedule to this law, for safety and security measures, details of any common property of which the use is restricted, the keeping of pets, parking, floor coverings, garbage disposal, behavior, architectural and landscaping guidelines to be observed by the owners of the Condominium Parcels, and any other matters necessary for the efficient management of the Condominium Property and common elements of the Condominium Property or Semi Condominium Property of the relevant registered Condominium Plan or registered Semi Condominium Plan.”;

(4) in subsections (1) and (5) of that section by the substitution for the word “Units” of the words “condominium parcels”;

(5) by the repeal of subsection (6) of that section and the substitution therefore, of the following subsection :-

“(6) The management corporation and the Condominium Management Authority shall-

(a) keep a record of the by-laws in force

from time to time;

(b) on receipt of an application in writing made by the owner of a condominium parcel or by a person duly authorized to apply on behalf of the owner of a condominium parcel for a copy of the by-laws in force, supply to such owner or duly authorized person at a reasonable cost a copy of the by-laws; and

(c) on the application of any person who satisfies the Condominium Management Authority, or the management corporation that he has a proper interest in so applying, make available for inspection the by laws.”,

(6) in subsections (7) and (10) of that section by the substitution for the word “unit” of the words “condominium parcel”.

(7) by the repeal of subsection (9) of that section and the substitution therefor of the following subsection:-

“(9) The Condominium Management Authority or the management corporation or any owner of a condominium parcel shall be entitled to apply to the Court –

(a) for an order to enforce the performance of or to restrain the breach of any by-law by; or
(b) to recover damages for any loss or injury to any person or property arising out of the breach of any by-law

from any person bound to comply therewith, the Condominium Management Authority or the management corporation or the administrator, and the court may make such order against any such person, the management corporation or the members of its council, or the administrator, as the court thinks fit.”.

Amendment of section 20H of the principal enactment.

33. Section 20H of the principal enactment is hereby amended as follows :-

(1) in subsection (1) of that section by the substitution for the words (hereinafter referred to as “the management fund”) to the end of that section of the following :-

“to which the following shall be credited :-

(a) the contribution levied or, by the corporation and paid by, the owners for payment into the fund ;

(b) fines, interests, penal charges, premiums reconnection charges, and deposits levied by the corporation, and paid by the owners for payment in to

the fund ;

(c) the proceeds of the disposal of any personal property of the corporation ;

(d) all such sums of money as may be received by the corporation in the exercise, discharge and performance of its powers, functions and duties;

(e) all such sums of money as may be received by the corporation by way of loans, donations, gifts or grants from any sources whatsoever, whether in or outside in Sri Lanka.”.

(2) by the insertion immediately after subsection (1) of that section of the following subsection :-

“(1A) There shall be paid out of the management fund of the corporation all such sums of money required to defray any expenditure incurred by the corporation in the exercise, discharge and performance of its powers, functions and duties, subject to the limitation specified in this Law:”.

(3) by the repeal of subsection (2) of that section and the substitution therefor of the following :-

“(2) The management corporation may by a unanimous resolution or by a general resolution and with the concurrence of the Condominium Management Authority, invest as it thinks fit any moneys of the management fund :

Provided, however such resolution and concurrence shall not be required for the investment in any fixed deposit account with a licensed commercial bank, in any Treasury Bill, in the State Mortgage and Investments Bank or the Housing Development and Finance Corporation (Bank).”.

(4) by the repeal of subsection (3) of that section and the substitution therefor of the following :-

“(3) For the purposes of establishing and maintaining the management fund, the management corporation for the purposes mentioned in subsection (1) may, at a general meeting-

(a) determine from time to time the amounts to be raised as contributions ;

(b) raise the amounts so determined by levying contributions on the owners of all the condominium parcels in proportion to the share parcels of their respective

condominium parcels ;

(c) determine the amount of interest payable by the owner of condominium parcels in respect of late contributions ;

(d) determine the amount of deposit or penal charges or reconnection charges, in the event of disconnection of services such as water, electricity or other utilities provided to the respective condominium parcels and payable by the owner of such condominium parcels.”;

(5) by the insertion immediately after subsection (3) of that section of the following subsection :-

(3A) The management corporation shall establish a sinking Fund, (hereinafter referred to as the sinking Fund) as part of the management fund for the emergency expenses of any major repair to the common elements or discharge any other similar obligation of the corporation and shall-

(a) from time to time at any general meeting determine the amounts to be set aside to the sinking fund ;

(b) not proceed to incur any expenditure out of the sinking fund unless a special resolution or a general resolution with the concurrence of the Condominium Management Authority, has been passed as regards the specified amount to be incurred as expenditure.”.

(6) in subsections (4), (5) and (6) of that section by the substitution for the word “unit” of the words “condominium parcel”.

Amendment of section 20 of the principal enactment.

34. Section 20J of the principal enactment is hereby amended as follows :-

(1) by the substitution for the such “unit” wherever the word appears in that section of the words “condominium parcel”;

(2) by the insertion immediately after subsection (6) of that section of the following subsection :-

“(6A) Notwithstanding any thing to the contrary in this Law or any other written law, the management corporation shall have the power to disconnect the supply of services such as water services electricity or any other utilities provided to the individual

condominium parcel through the management corporation, by the National Water Supply and Drainage Board, the Ceylon Electricity Board, any local authority any other authority or licensee, if the owner of the condominium parcel fails to pay any of the amounts demanded as per the provisions specified in section 20H of this Act, by the management corporation. The management corporation shall not proceed to disconnect such supply, unless-

- (a) a resolution is specially passed approving the discontinuance of such service ;
- (b) fourteen days notice of the intended discontinuance along with the copy of the resolution so passed is sent by registered mail to the owner of the particular condominium parcel.”.

Amendment of section 20K of the principal enactment. **35.** Section 20K of the principal enactment is hereby amended in subsection (1) by the substitution for all the words from “each unit being liable” to the end of that subsection of the following:”

“each condominium parcel being liable under such guarantee only for such proportion of the money so incurred as the share parcel of that condominium parcel bears to the aggregate share parcel of all the condominium parcel.”.

Amendment of section 20L of the principal enactment. **36.** Section 20L of the principal enactment is hereby amended in subsection (1) of that section by the substitution for the word “unit” of the words “condominium parcel”.

Amendment of section 20M of the principal enactment. **37.** Section 20M of the principal enactment is hereby amended as follows :-
(1) by the substitution for the word “unit” wherever that word appears in that section of the words “condominium parcel” ;
(2) by the substitution for the words “management corporation” of the words “Condominium Management Authority or the management corporation”.

Amendment of section 20N of the principal enactment. **38.** Section 20N of the principal enactment is hereby amended as follows :-
(1) by the substitution for the words “Condominium Property” wherever those words appear in that section of the words “Condominium Property or Semi Condominium Property”.
(2) by the substitution for the words “registered Condominium Plan” of the words wherever those words appear in that section of the words “registered Condominium Plan” or “registered Semi Condominium Plan” respectively ;

Amendment of section 20P of the principal enactment. **39.** Section 20P of the principal enactment is hereby amended as follows :-
(1) by the substitution for the words Condominium Plan” wherever those words appear in that section of the words

“Condominium Plan” or in a “Semi Condominium Plan” ;
(2) by the substitution for the word “unit” wherever that word appears in that section of the words “condominium parcel” ;
(3) by the repeal of paragraph (a) of that section and the substitution therefore of the following :”

“(a) notify the Condominium Management Authority and the insurer immediately and reinstate the damaged portion of the subdivided building and provide a scheme for the continued use of the subdivided building in whole or in part subject to the supervision of the Condominium Management Authority”.

Amendment of section 20Q in the principal enactment.

40. Section 20Q of the principal enactment is hereby amended as follows :”

(1) by the substitution for the words “Condominium Plan” wherever those words appear in the section of the words “Condominium Plan or Semi Condominium Plan” ;
(2) by the substitution for the words “Condominium Property” wherever those words appears in that section of the words ”Condominium Property or Semi Condominium Property” ;
(3) by the substitution for the words “unit” or “units” wherever those words appear in that section of the words “parcel” or “condominium parcels” respectively ;
(4) in subsection (2) of that section by the substitution for the words “and the lodge with the Registrar”, of the words “lodge with the Registrar and the Condominium Management Authority” ;
(5) by the repeal of paragraph (c) of subsection (8) of that section, and the substitution therefore of the following :”

“(c) The Registrar on receipt of the Condominium Title certificates relating to the condominium parcel or condominium parcels, as the case may be shall cancel the Condominium Title certificates make the necessary entries in the registers of Condominium Parcels of the Condominium Property or Semi Condominium Property, and thereafter the transferee shall deal with the land parcel in accordance with the provisions of the Registration of Title Act. No. 21 of 1998.”.

(6) by the repeal of subsection (10) of that section and the substitution therefor of the following subsection :”

“(10) Where a transfer of the Condominium Property or Semi Condominium Property pursuant to

subsection (5) has been lodged with and registered by the Registrar, the management corporation shall continue in existence for the purpose of winding up its affairs subject to the supervision of the Condominium Management Authority.” ;

(7) in subsection (11) of that section by the substitution for the words “the management corporation of the words” the Condominium Management Authority or the Management Corporation ;” ;

(8) by the repeal of subsection (12) of that section and the substitution therefor of the following :-

“(12) Unless and until a liquidator is appointed by court for the purpose of carrying out the winding up of the affairs of the management corporation, the Council of the management corporation, shall continue to perform the management corporations’ business for the purpose of winding up its affairs, subject to the supervision of the Condominium Management Authority. On the appointment of a liquidator all the powers of the council of the management corporation shall cease and the liquidator shall have the power to carry on the management corporations’ business for the purpose of winding up its affairs subject to the supervision of the Condominium Management Authority.

(9) by the repeal of subsection 14 of that section and the substitution therefor of the following :-

“(14) The court may on an application by the Condominium Management Authority, a former owner, a former mortgagee or the liquidator and on being satisfied that the affairs of the management corporation have been wound up make an Order that the liquidator be released and that the management corporation be dissolved and on lodgment of such Order for registration under this Law, the Registrar shall then register and cancel the records in the title register in respect of condominium parcels of the condominium property or semi condominium property, and shall notify such cancellation to the Condominium Management Authority’.

Amendment of section 26 of the principal enactment.

41. Section 26 of the principal enactment is hereby amended as follows :-

(1) by the substitution for the definition of the expression “accessory unit” of the following :-

“accessory parcel” means a parcel intended for separate ownership and was with any other specified condominium parcel or condominium parcels for any purpose ; ‘;

(2) in the definition of building by the substitution for the words “condominium subdivision plan” occurring in the definition of building of the words “Condominium Plan or Semi Condominium Plan or in the Provisional Condominium Plan “;

(3) by the substitution for the definition of the expression “Common Amenities Board” of the following :”

“Condominium Management Authority” means the Condominium Management Authority established under the Condominium Management Authority Law, No 10 of 1973’ ;

(4) in the definition of the expression of “common elements” –

(a) by the substitution for the words “Condominium Property of the words ”Condominium Property or semi Condominium Property or Provisional Condominium Property” ;

(b) by the substitution for the “Condominium Plan” of the words “Condominium Plan or Semi Condominium or Provisional Condominium Plan” ;

(c) by the substitution for the word “land” of the word land parcel” ;

(d) by the substitution for the word “unit” of the words “condominium parcel” ;

(5) by the substitution for the definition of the expression “condominium plan” of the following:”

“Condominium Plan” means a plan of a Condominium Property which :”

(a) is described in the title or heading thereto as Condominium Plan ;

(b) indicates the whole or any part of the land parcel comprised therein a completed building as being divided into two or more stores and is divided into two or more condominium parcels or any building having only one storey also be capable of being subdivided into parcels ; and

(c) contains the particulars set out in section 5;

(6) by the insertion immediately after the definition of the expression “condominium plan’ of the following new definition :-

‘ “condominium parcel” means a defined space which is shown as an independent parcel on a condominium plan or semi condominium plan or provisional condominium plan and which is designed for independent use consisting of one or more rooms whether occupying the entirety or part of one or more storeys in

a building of more than one storey and which is shown as a separate condominium parcel’ ;

(7) in the definition of the expression of “encumbrance” by the substitution for the word “unit” wherever such word appears in that definition of the word “parcel” ;

(8) by the substitution for the definition of the expression “land” of the following definition :-

‘ “land parcel” includes land parcel of any tenure, any building or parts thereof, so much of the air space above the surface as may be reasonable used or enjoyed by any owner, and all substances under the surface, (excluding minerals within the meaning of the Mines and Minerals Law, No. 4 of 1973) whether or not held apart from the surface and any estate or interest therein ‘;

(9) in the definition of the expression of “local authority” by the substitution for the words “Condominium Property” of the words “Condominium Property, or Semi Condominium Property or Provisional Condominium Property” ;

(10) by the substitution of the definition for the expression “management corporation ” of the following :-

‘ “management corporation” in relation to any one or more completed subdivided buildings shown in a condominium plan or any one or more partly completed buildings shown in a semi condominium plan, means the management corporation established for those buildings’ ;

(11) in the definition of the expression “owner” by the substitution for the word “unit” of the words “condominium parcel” ; .

(12) by the insertion immediately after the definition of the expression “prescribed” of the following:-

“Provisional Condominium Plan” means a Plan of “Provisional Condominium Property” which-

(a) is described in the title or heading thereto as Provisional Condominium Plan ;

(b) indicates the whole or any part of the land parcel , and the building proposed to be erected, and shall be capable of being sub-divided into parcels ;

(c) contains the particulars set out in section 5A ;

“prospective purchaser” means a person who is a party to an agreement for sale agreeing to purchase a condominium parcel or provisional condominium parcel, from the owner of the Condominium Property or Semi Condominium Property or Provisional Condominium Property ;

(a) “recognised financial institution” means

any "licensed commercial bank" or a "licensed specialised bank" within the meaning of the Banking Act , No. 30 of 1988 ; or

(b) any finance company registered under the Finance Companies Act, No. 78 of 1988 ; or

(c) building society registered with Commissioner of National Housing under National Housing Act. Chapter 401 ;

(d) the National Housing Development Authority established by Act , No. 17 of 1979 ; or

(e) any bank established by or under any law.

(13) by the substitution for the definition of the expression "Registrar" of the following :-

"Registrar" means the Registrar of Titles appointed under the Registration of Title Act, No. 21 of 1998 and having jurisdiction over the registration district in which the Condominium Property or Semi Condominium Property or Provisional Condominium Property is situated ;

(14) by the insertion immediately after the definition of "Registrar" of the following new definition :-

"Semi Condominium Plan" means a plan of a partly completed Condominium Property Which :-

(a) is described in the title or heading thereto as Semi condominium Plan ;

(b) shows the whole or any part of the land parcel comprised therein a partly completed building having one storey capable of being subdivided into two or more condominium parcels with provisions for future construction of two or more storeys or partly completed building having one storey capable of being sub-divided into parcels ;

(c) contains the particulars set out in section in 5B ;

(d) has more than one completed condominium parcels and such condominium parcels are fit for human habitation ;

(15) by the substitution for the definition of the expression "share unit" of the following :-

"share parcel" in respect of a condominium parcel means the share parcels determined for that condominium parcel according to its share value and shown as such in the Schedule endorsed on the Condominium Plan or Semi Condominium Plan or Provisional Condominium Plan ;

(16) in the definition of the expression "storey" by the substitution for the word "land" of the words "land parcel" .

(17) in the definition of the expression “subdivided building” by the substitution for the words “Condominium Plan” of the words “Condominium Plan or Semi Condominium Plan or Provisional Condominium Plan” .

(18) by the omission of the definition of the expression of “unit” .

(19) by the addition immediately after the definition of the expression “unanimous resolution” of the following definition of the expression :-

“unauthorized construction” means any improvement or alteration to the condominium parcel or ancillary parcel appurtenant to such condominium parcel, any improvement or alteration to the common elements , any parceling or subdivision of the land parcel where the condominium property or semi condominium property is constructed, the erection or re-erection of sub-structures and the construction of works on the land parcel, or any change in the use for which land parcel or any building or any structure thereof is used, without a valid permit from the authority who have been empowered by law to approve the building plan, or contrary to any term or condition set out in the permit issued in respect of the building plan approved for the relevant Condominium Property or Semi Condominium Property.

Amendment of the **42**. The First Schedule to the principal enactment is hereby amended as First Schedule to the follows :-
principal enactment.

(1) by the substitution for the word “unit” wherever the word “unit” appears in the Schedule of the words “condominium parcel” ;

(2) in item 2 of the Schedule substitution for the words “Condominium Plan No.” of the words “Condominium Plan or Semi Condominium Plan No.” ;

(3) by the repeal of item 3 (2) of the Schedule and the substitution therefore of the following :

“(2) Where there are not more than three owners the council shall consist of all the owners.”.

(4) in item 8 (5) of the Schedule by the substitution for the words “council shall after its general meeting”, of the words “council shall within thirty days after its general meeting” ;

(5) in item 9 (2) of the Schedule (9) by the substitution of the words “The first annual general meeting” of the words “Subject to the provisions in subsection (3) of the section 20B the First annual general meeting”.

(6) by the addition immediately after, item 10 (2) (b) : of the

following :

“(c) shall convene an extra general meeting upon a request in writing made by the Condominium Management Authority.

Amendment of the **43.** The Second Schedule to the principal enactment is hereby amended as follows :-
the principal
enactment.

(1) in the heading to the Schedule by the substitution for the words “Registered Condominium Plan”, of the words “REGISTERED CONDOMINIUM PLAN OR REGISTERED SEMI CONDOMINIUM PLAN”.

(2) in item (1) of the Schedule,-

(a) by the substitution for the words “registered Condominium Plan” of the words “registered Condominium Plan or registered Semi Condominium Plan” ;

(b) by the substitution for the word “unit” of the words “condominium parcel” ; ;

(3) in item 2 of the Schedule-

(a) in item 2(a) (iv) by the substitution for the words “in connection with the performance of its duties” of the words “in connection with the performance of its duties or exercise of its powers” ;

(b) in item 2 (b) by the substitution for the words, “carry out all work ordered by any Government ” of the words “carry out all work including removal of all unauthorised constructions ordered by the Government” ;

(c) by the addition immediately after item 2(g) of the following :”

“(h) pay his contribution to the management fund of the corporation ; or

(i) pay all monthly charges for consumption of services such as water services, electricity and other utilities provided through the corporation including service installation charges, and re-connection charges in the event of disconnection of services such as water services, electricity and other utilities provided through the corporation by National Water Supply and Drainage Board, Ceylon Electricity Board, Local Authority any other

authority or licensee.

(4) in item 5 of the Schedule,-

(a) by the insertion immediately after item 5(a) of the following :-

“(aa) prevent the erection of any unauthorised construction by any individual owners of the condominium parcels contrary to the approved building plan of the Condominium Property or Semi Condominium Property ;

(ab) request and assist the Condominium Management Authority or the Urban Development Authority or any local authority to remove all unauthorised constructions affecting the Condominium Property or Semi condominium Property in contrary to the approved building plan”.

(b) by the addition immediately after item 5 (d) of the following :-

“(e) act as an agent for the service agencies, such as the National Water Supply and Drainage Board, the Ceylon Electricity Board any local authority, any other authority or licensee for the supply of water services, electricity and other public utilities to the owners of the condominium parcels and to send monthly or periodical bills claiming charges for consumption of such services and to recover such charges from the respective owners of the condominium parcels and remit such charges to the respective service agencies”.

(5) by the insertion immediately after item 6(b) of the Schedule 7 of the following :-

“(bb) make any alterations to his condominium parcel in Contrary to the approved building Plan of the Condominium Property or Semi Condominium Property.”.

Avoidance of doubts.

44. For the avoidance of doubts it is hereby declared that until an Order under section I of the Registration of Titles Act, No. 21 of 1998 is made extending the application of the provisions of the aforesaid Act to any Province, Administrative District or Administrative Division as the case

may be, the Registration of Documents Ordinance (Chapter 117) shall continue to apply to and in relation to, the registration in accordance with the provisions of this Act-

(a) of a Condominium Plan, a Provisional Condominium Plan or a Semi Condominium Plan ;

(b) of a Plan of amendment of a registered Condominium Plan, a registered Provisional Condominium Plan or a registered Semi- Condominium Plan ; and

(c) of a Plan of re-division or amalgamation of a registered Condominium Plan or a registered Semi- Condominium Plan,

in respect of any Condominium Property, Provisional Condominium Property or Semi Condominium Property, as the case may be, situated within any such aforementioned Province, Administrative District or Administrative Division.

Sinhala text to prevail in case of inconsistency. **45.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail .