

GUYANA

No: 8 of 1990

REGULATIONS

Made Under

THE CONDOMINIUM (REGULATION AND MISCELLANEOUS PROVISIONS) ACT 1989)

(Act No. 4 of 1989)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 54 (2) OF THE CONDOMINIUM (REGULATION AND MISCELLANEOUS PROVISIONS) ACT 1989, I HEREBY MAKE THE FOLLOWING REGULATIONS:—

Citation. 1. These Regulations may be cited as the Condominium Regulations 1990.

Interpretation. Cap. 5:10 2. In these Regulations "Registrar" has the same meaning as in the Deeds Registry Act.

Register of Condominium. 3. (1) The Registrar shall keep or cause to be kept at his office a register to be called "Register of Condominiums" in which shall be entered particulars relating to the Registration of condominiums.

(2) All original entries in the Register of Condominiums shall be made by, or under the direction of, the Registrar and shall be signed by him.

(3) The scheme shall be amended from time to time to make it consistent with particulars relating to unit proprietors under section 8(2) (c).

Application for registration of instrument describing approved condominium scheme. 4. An application for registration of an instrument describing an approved condominium scheme shall be submitted to the Registrar in the form prescribed by him.

5. The drawings, plans and schedules to be annexed to a condominium scheme submitted for approval of the Minister shall —

Presentation of drawings, plans and schedules.

- (a) be a complete set of fully dimensional plans of each floor, basement and cellar, if any, of the building, elevations and at least one major section showing the design of the structure of the building or buildings;
- (b) describe each unit by reference to its layout, location and dimensions;
- (c) be supplemented with information necessary to give an accurate description of major items such as quality of materials and method of construction;
- (d) bear the approval of relevant authorities who shall certify thereon that they are true and accurate copies of the drawings and schedules of the building approved by them for the purposes of the Act.

6. The placing of limits and boundaries and the description of such limits and boundaries of common property and land disposed of in accordance with section 24 (2) of the Act shall be done in accordance with the Land Surveyors Act.

Common property.

Cap. 97:01

7. (1) Every application form and drawing submitted to any relevant authority for approval shall bear the approval of the authority with any conditions deemed necessary by the authority; or rejection by the authority together with a memorandum stating the grounds for such rejection and direction for amendment as may be necessary for approval on re-submission to the authority.

Manner of communication of approval or rejection of a scheme or direction for amendment.

(2) Application forms and drawings submitted to the Minister for approval shall bear the approval of the Minister together with any conditions he considers necessary; or rejection by the Minister together with a memorandum stating the grounds for rejection and any amendment as may be necessary for approval on re-submission to the Minister.

(3) Conditions attached for approval by the Minister or any amendment requested by him shall not prejudice conditions imposed by any relevant authority or amendment requested by such authority, unless on appeal by the promoters, the Minister decides to eliminate or modify any such conditions imposed, or amendment requested by the authority.

(4) Any scheme considered by the Minister shall be sent back to any relevant authority which had previously considered the scheme, and the promoter shall uplift the documents comprising the application for approval of the scheme from that authority.

(5) In the case of an appeal to the Minister against conditions imposed, or amendment requested by any authority, the documents bearing the decision of the Minister shall be sent back to any relevant authority which had previously considered the scheme, and the promoters shall uplift the documents comprising the application for approval of the scheme from that authority.

Minister
may impose
additional
conditions.

8. Additional conditions which the Minister may impose when approving a condominium scheme shall be as follows —

(a) that the documents submitted with a condominium scheme for approval shall include —

(i) a block plan showing the size and position of each building in the scheme and its relationship to existing adjoining buildings and site features of significance;

(ii) a full set of structural drawings and specifications;

(b) that the plan submitted with a condominium scheme must show —

(i) on site parking and adequate ingress and egress to and from the site for service vehicles;

(ii) ventilation by natural means especially for habitable rooms;

(iii) structural fire precautionary measures;

(iv) privacy reasonably expected by unit proprietors;

(v) innovative or conservative architectural concepts but without prejudice to the economy and the environmental context,

9. The manner of service of a notice under section 8(1) shall be by registered post addressed to the owners of the units of the building who did not join in the application for registration of an instrument describing a condominium scheme.

Manner of service of notice.

10. Every registered body corporate shall keep a register to be called the "Register of Members" in which shall be entered —

Register of Members.

- (a) the name, address and occupation of each member;
- (b) the date on which each member's name was entered in the register;
- (c) the date on which any member ceased to be a member; and
- (d) any other necessary particulars.

11. Additional particulars that an instrument describing a condominium scheme may contain are as follows —

Additional particulars that an instrument describing a condominium scheme may contain.

- (a) the manner in which allocation of units has been done; and
- (b) arrangements to be made for preparing prospective unit proprietors for meeting their obligations under the Act.

12. (1) The condominium scheme shall in addition to matters referred to in section 4(1) make provisions in respect of the following matters —

Additional provisions of condominium scheme.

- (a) prohibition or restriction of the extension, structural alteration or internal alteration of the units;
- (b) the manner of settlement of disputes between
 - (i) present or past members of the body corporate or legal representatives of such members;
 - (ii) a present or past member or legal representative or any such member and the Board of Management or any officer of the body corporate;

- (iii) the body corporate or its Board of Management and any officer of the body corporate; or
 - (iv) the body corporate and any other registered body corporate;
- (c) procedure for the amendment of the scheme;
- (d) in addition to the particulars referred to in section 8(2) (c), the following particulars relating to the proprietors of each unit of the building subject to the condominium scheme
- (i) the number of persons to occupy a unit; and
 - (ii) parking facilities for vehicles of unit proprietors and their guests.

(2) It shall be lawful for the promoters of a condominium scheme in respect of residential units to give preference, by selling units subject to the scheme, to persons who do not have any other residence or any other building capable of being used as a residence within five miles from where the buildings subjects to the condominium scheme is situated.

Procedure for the amendment of the scheme.

13. (1) A condominium scheme may be amended by the relevant body corporate in accordance with the procedure specified in that scheme and with the approval of the Minister.

(2) The Registrar shall register the amendment of a condominium scheme on the production of a copy thereof authenticated by such officer of the body corporate as is authorised to authenticate documents on its behalf and on the Registrar being satisfied that the body corporate has agreed to the amendment in accordance with the procedure specified in the condominium scheme and the amendment has been approved by the Minister.

Fees.

14. The fees specified in the second column of the First Schedule shall be payable in respect of the matters specified in the corresponding entries in the first column thereof.

Form of certificate of scale.

15. A certificate issued under section 50(1) of the Act shall be in the form set out in the Second Schedule.

FIRST SCHEDULE

reg. 14

MATTERS	FEEs
Application for the approval of a condominium scheme	1% of the estimated value of the land and proposed buildings under the scheme.
Registration of an instrument describing a condominium scheme or any amendment thereto	5% of the estimated value of the land and proposed buildings under the scheme.
Registration of the amendment of a condominium scheme	\$2,000
Registration of the by-laws of a body corporate or of amendment or repeal thereto	\$5,000.00
Registration of names and address of person nominated to receive the service of summonses, notices or other processes under section 22 (3) (b)	\$1,000.00
Registration of notice under section 33 (2)	\$1,000.00
Registration of a certificate under section 33 (4)	2% of the payment in respect of the payment (including interest) in respect of which the certificate is issued.

SECOND SCHEDULE

reg 15

CONDOMINIUM (REGULATION AND MISCELLANEOUS PROVISIONS) ACT 1989

(No. 4 of 1989)

1

CONDOMINIUM

CERTIFICATE

of

SALE

Issued under section 50 of the Condominium (Regulation and Miscellaneous Provisions) Act 1989 (No. 4 of 1989), on behalf of ²

of the condominium known as the _____, the owner

the _____ Condominium, intended for residential use, more fully described in the Schedule annexed hereto, in respect of which an instrument describing a condominium scheme has been registered on the

day of _____ 19 _____, in folio No. _____ of 19 _____ (the said ³

owner hereinafter being referred to as the "owner"), by Cde _____ an employee of the owner and authorised in that behalf by the owner by notification in the Gazette dated the _____ day of _____ 19 _____

Be it known that I have, on behalf of the owner, this _____ day of

in the year one thousand nine hundred and _____ issued this

certificate of sale to Cde. 4 _____ (hereinafter referred to as the "purchaser") certifying that, subject to the provisions of the Condominium (Regulation and Miscellaneous Provisions) Act 1989 (No. 4 of 1989), the provisions of the aforesaid condominium scheme and the other conditions specified herein. unit No. _____ in the said Condominium, being of the value of _____ dollars of the current currency

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- 1 Here insert the name of the condominium.
 - 2 Here insert the name of the owner of the condominium, being the Government, a local Government authority, the Central Housing and Planning Authority or a corporate body owned by, or in which the controlling interest vests in, the State or any agency on behalf of the State.
 - 3 Here insert the name, title and office address of the person issuing the certificate.
 - 4 Here insert the name and address of the purchaser.

of Guyana, has been sold in favour of the purchaser, his heirs, executors, administrators and assigns, and acknowledged that the said value has been fully paid and satisfied. The unit entitlement of the said unit is

In testimony whereof I, Cde _____, have hereunto set my hand and Cde. _____, the purchaser of the aforesaid unit, has countersigned the same day and year last above written.

CONDITIONS OF SALE

1. This sale is subject to the provisions of the Condominium (Regulation and Miscellaneous Provisions) Act 1989 (No. 4 of 1989), the instrument describing the condominium scheme, registered on the _____ day of _____ 19____, in respect of the _____ Condominium and the by-laws applicable under section 18 of the Act.
 2. The purchaser and his successors in interest shall not sell the aforesaid unit to any person for a period of ten years from the date of this certificate:

Provided that the purchaser may within the said period sell the aforesaid unit back to the owner at a price that may be agreed to between them.
 3. The purchaser and his successors in interest shall not sell the aforesaid unit after the period referred to in the preceding paragraph to any person other than a person belonging to any category specified by the Minister by order for the purposes of section 50(3) of the Condominium (Regulation and Miscellaneous Provisions) Act 1989 (No. 4 of 1989).
 4. The purchaser and his successors in interest shall not for a period of five years from the date of this certificate let out the unit to any person without the prior approval of the Minister.
 5. A sale or letting out of the aforesaid unit contrary to the provisions of paragraphs 2, 3 and 4 above shall be null and void and shall not confer any right on any person who co purchases it or the person to whom the unit is so let out.
- 5 Here insert the unit entitlement.

SCHEDULE

Description of the property of the

Condominium

Signed Cde.

Countersigned Cde.

Witnesses

1.

2.

Made this 9th day of October, 1990.

Hamilton Greene,
Prime Minister.