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SATURDAY 21ST JANUARY, 2023

THE OFFICIAL GAZETTE 21ST JANUARY, 2023
LEGAL SUPPLEMENT — B

GUYANA No. 1 of 2023

REGULATIONS

Made Under

THE CONDOMINIUM ACT

(Act No. 6 of 2022)

IN EXERCISE OF THE POWERS CONFERRED ON ME PURSUANT TO SECTION 62 OF THE CONDOMINIUM ACT, I HEREBY MAKE THE FOLLOWING REGULATIONS:-

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
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24. Rate of interest.
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FIRST SCHEDULE **Forms**

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Citation.

1. These Regulations may be cited as the Condominium Regulations 2022.

Interpretation.

2. In these Regulations-

"Condominium Corporations Index" means the Condominium Corporations Index under section 17 (1) of the Act;

"condominium property" means property as defined in section 2 (1) of the Act;

"Condominium Register" means the Condominium Register under section 17 (2) of the Act;

"Examiner" means Examiner of Condominium Surveys;

Cap. 97:01

"registered land surveyor" means a land surveyor registered under the Land Surveyors Act;

"Registrar" has the same meaning-

Cap. 5:01

(a) in the case of unregistered land to which the Deeds Registry Act applies, as in the Deeds Registry Act; and

Cap. 5:02

(b) in the case of registered land to which the Land Registry Act applies, as in the Land Registry Act;

"structural plan" for the purposes of section 15 (1) (b) of the Act, means a copy of the structural drawing prepared for the project mechanically reproduced on such translucent material as the Examiner approves.

Conditions for registration of a Declaration and Description.

3. A Declaration and Description shall not be accepted by the Registrar for registration unless-

(a)the Declaration has been made by every owner of and every person having a registered mortgage or encumbrance against the land and interests appurtenant to the land described in the Description;

(b) the Declaration is accompanied by proof as to execution as is required by or under-

Cap. 5:01

(i) in the case of unregistered land to which the Deeds Registry Act applies, the Deeds Registry Act; and

Cap. 5:02

(ii) in the case of registered land to which the Land Registry Act applies, the Land Registry Act,

and in the case of a transfer, with respect to each owner, any mortgage, encumbrance or discharge of mortgage or encumbrance shall be declared with respect to each person having a registered claim;

(a) the Description as required under section 15 of the Act has been approved by a registered land surveyor;

(b) the Declaration and Description are delivered to the proper officer at the office of the Registrar accompanied by the prescribed fee.

(c) the Declaration and the Description has been either approved by the relevant Minister in writing or that it is

deemed to have been so approved either under section 6 (1) or (3) of the Act.

Form of Condominium Corporation Index.

4. The Registrar shall maintain the Condominium Corporations Index as set out in Form 1 of the First Schedule.

First Schedule
Form 1

Registrar's duties.

5. (1)Where a Declaration and Description are received for registration the Registrar shall-

(a) endorse on the Declaration and Description the date and time of receipt which shall be the same for both the Declaration and the Description;

(b) assign to the Declaration a registration number;

(c) assign to the Description an identification which shall comprise the name of the area in which the land or the greater part of the land is situated together with the number assigned as part of the name of the Corporation;

(d) record in the Condominium Corporations Index such particulars with reference thereto as are indicated by the headings of the columns in Form 1 of the First Schedule;

First Schedule
Form 1

(e) assign the name already assigned to the Corporation.

(2)No change shall be made in the name of the Condominium Corporation after the name is assigned under sub-regulation (1).

Form of Condominium Register.

6. In respect of each condominium property, the Registrar shall keep the Condominium Register in a loose-leaf book and shall include a set of four groups of pages consisting of-

First Schedule Form 2

(a) a Property Parcel Register in Form 2 of the First Schedule;

Form 3

(b) a Constitution Index in Form 3 of the First Schedule;

Form 4

(c) a Common Property and General Index in Form 4 of First Schedule;

Form 5

(d) a series of Unit Registers, one for each unit included in the condominium property in Form 5 of the First Schedule.

Procedure for recording easements.

7. Where an easement affecting the Condominium property or a part of the Condominium property, but not affecting a unit-

(a) was in existence at the time of registration of the Declaration and Description, the easement shall be recorded in the Common Property and General Index, and in the Property Parcel Register; or

(b) is created after the registration of the Declaration and Description, the easement shall be recorded in the Common Property and General Index

Procedure for recording instruments affecting all or any units and common property.

8. (1) Where, after the registration of a Declaration and Description, an instrument which purports to affect all or any units and common property included in a condominium property is received for registration, and-

(a) the instrument is a transfer of a unit and common interest of the condominium property;

(b) the instrument is a transfer of the property under section 49 of the Act;

(c) the instrument is a notice of termination or an order for termination; or

(d) the instrument is a by-law of the condominium Corporation, or an amendment to the Declaration or Description,

the instrument shall be recorded only in the Constitution Index.

(2) Where, after the registration of a Declaration and Description, an instrument which purports to affect all or any units and common property included in a condominium property is received for registration, and the instrument is an encumbrance or an instrument dealing with all the units included in the property in respect of such an encumbrance, the instrument shall be recorded only in the Common Property and General Index; or

(3) Where, after the registration of a Declaration and Description, an instrument which purports to affect all or any units and common property included in a condominium property is received for registration, and the instrument is not an instrument mentioned in sub-regulation (1) the instrument shall, subject to sub-regulation (4), be recorded only in the Common Property and General Index.

(4) Where an instrument to which sub-regulation (2) applies is received for registration before the registration of a transfer of any unit and common interest, the instrument shall also be recorded in the Property Parcel Index.

(5) The Registrar shall endorse on the transport or the certificate of title, as the case may be, issued for a unit and the owner holds his or her unit and his or her share in the common property subject to any interest affecting the same for the time being notified on the condominium plan and subject to any amendments to units or common property shown on that plan.

Fees.

Second Schedule

9. The fees set out in the Second Schedule shall be payable to the Registrar in respect of the matters specified in the table as contained in Schedule 2 to these Regulations.

Examiner of condominium surveys.

10. The Minister shall assign a registered land surveyor to be the Examiner for the purposes of these Regulations.

General provision relating to plans and surveys.

11. Where the Examiner under regulation 10 makes a survey for the purposes of the Act, he or she shall verify whether the plan is accurate in accordance with the requirements set out in the Act or under the regulations made thereunder.

Examiner to endorse his or her approval on plan.

12. Upon approval of a plan, the Examiner shall endorse his or her approval to the Registrar on the plan.

Plans.

13. (1) Every condominium plan lodged for registration shall be drawn to a scale or scales sufficient for clarity and all particulars on the plan and shall-

(a) be prepared on one side of paper generally approved for this purpose;

(b) not be creased;

(c) be free from discolouration or blemishes;

(d) measure 15½ inches in length by 10 inches in width;

(e) have clear margins on the face of each sheet of not less than 1½ inches on the left hand side and not less than ½ inch on the right hand side at the top and bottom;

(f) such other particulars as may be prescribed by the Examiner;

(g) delineate the external surface boundaries of land and the location of the building in relation thereto, and bear a statement containing such particulars as may be necessary to identify the title to the land, and specify numbers the unit entitlement of each unit and a number equal to the aggregate of all the units;

(h) be certified on the plan by a registered land surveyor and 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;

(i) 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;

(j) describe each unit by reference to its layout, location and dimensions;

(k) be supplemented with information necessary to give an accurate description of major items such as quality of materials and method of construction.

(2) The units shown on such sheet or annexure as is referred to in sub-regulation (1) shall be numbered consecutively commencing with unit No. 1 and ending with a unit numbered to correspond with the total number of units comprised in the plan.

(3) Different parts of a building which constitute a single unit shall bear the same unit number.

(4) Every condominium plan lodged for registration shall be endorsed with or accompanied by a certificate of a registered land surveyor that the building shown on the plan is within the external surface boundaries of the land.

(5) The Registrar, after such inquiry and notices, if any, as he or she may consider proper and upon the production of such evidence and the compliance with such requests, if any, as he or she may think necessary to require or make, may-

(a) number or renumber any unit in a registered condominium plan;

(b) supply omissions and correct patent errors in a registered condominium plan;

(c) amend a registered condominium plan in such other manner as he or she may think proper.

Delivery of plans to Registrar.

14. (1) At the time of registration of a plan, there shall be delivered to the Registrar two duplicates of the plan and the Registrar shall-

(a) endorse the particulars of registration of the plan on the duplicate;

(b) retain one duplicate in his or her custody; and

(c) deliver the other duplicate to the Permanent Secretary of the Ministry responsible for Housing.

(2) A duplicate plan shall be a mechanically reproduced copy of the plan of which it is the duplicate and shall be reproduced on such material and by such process as the Examiner approves.

Additional conditions for approval.

15. Additional conditions which the Minister may impose when approving a proposed Declaration and proposed Description shall be as follows-

(a) that the documents submitted with a proposed Declaration and proposed Description for approval shall include-

(i) a block plan showing the size and position of each building on the condominium property 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 proposed Declaration and proposed Description must show-

(i) onsite 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 owners;

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

Form of consent.

First Schedule Form 6

16. A consent of a party having a registered encumbrance under section 12 (c) of the Act shall be as set out in Form 6 of the First Schedule.

Form of notice of change of address.

First Schedule Form 7

17. A notice of a change in the address for service of a Corporation under section 14 (3) of the Act shall be as set out in Form 7 of the First Schedule.

Form of Certificate of Title.

First Schedule Form 8

18. A Certificate of Title under section 20 (3) of the Act shall be as set out in Form 8 of the First Schedule.

Form of Transport.

First Schedule Form 9

19. A Transport under section 20 (4) of the Act shall be as set out in Form 9 of the First Schedule.

Form of discharge of lien.

First Schedule Form 10

20. A discharge of lien under section 41 (7) of the Act shall be as set out in Form 10 of the First Schedule.

Form of notice of lien.

First Schedule Form 11

21. A notice of lien under section 41 (8) of the Act shall be as set out in Form 11 of the First Schedule.

Form of certificate of common expenses.

First Schedule Form 12

22. A certificate of common expenses under section 41 (9) of the Act shall be as set out in Form 12 of the First Schedule.

Form of notice of termination.

First Schedule Form 13

23. A notice of termination under section 48 of the Act shall be as set out in Form 13 of the First Schedule Regulations.

Rate of interest.

24. The rate of interest payable on money paid or received under section 53 of the Act shall be four per cent per annum from the date the money was paid or received.

Variation of Regulations in special cases.

25. The requirements of any of these Regulations may, with the approval of the Registrar, be varied to apply to special circumstances.

FIRST SCHEDULE

FORM 1

CONDOMINIUM CORPORATIONS INDEX

(Regulation 4)

Registration No. of Declaration	*Date of Registration*	*Full Name of Corporation and Address of Corporation*	*Land or Interest in Land*
		Consecutive Number (Name) Condominium Corporation No. Address for service, etc.	

FORM 2

PROPERTY PARCEL REGISTER

(Regulation 6)

Property Parcel	Condominium Plan No.
	Recording instructions: 1. Make an entry of ownership, description of land, encumbrances in respect of the property and the owners by whom the Declaration and Description are registered. 2. Make an entry of the Declaration and Description, giving registration numbers and date and the numbers of the units included in the condominium property. 3. Make an entry to the effect that subsequently registered instruments dealing with the common property are recorded in the Common Property and General Index. 4. Re-enter each unit in the previously established Unit Register (Form 5) on the registration of a transfer or a charge of one or more but not all units from the owner by whom the Declaration and Description were registered.

FORM 3

CONSTITUTION INDEX

(Regulation 6)

(NAME OF CONDOMINIUM CORPORATION)

(IDENTIFICATION OF CONDOMINIUM PLAN)

Registration No.	*Date of Registration*	*Nature of Instrument*	*Remarks*

Note: This Index is to be used only for recording the Declaration and Description and the By-laws of the Condominium Corporation and amendments thereto.

FORM 4

COMMON PROPERTY AND GENERAL INDEX

(Regulation 6)

CONDOMINIUM PLAN NO.

(To be printed in the Register)	*Notice:*	*Instruments Affecting Ownership of Interests in Common Property, as appurtenant to Units, are recorded in the Unit Register*

FORM 5

UNIT REGISTER

(Regulation 6)

Unit No.	Level	No.
Condominium	Plan	No.

FORM 6

CONSENT

(Regulation 16)

..... having a registered encumbrance within the meaning of section 12 (c) of the Condominium Act, registered as Number ..... of ..... in Liber in the Registry hereby consents to the registration of this Declaration pursuant to the Condominium Act, against the land or interests appurtenant to the land described in the Description.

Dated at .....this..... day of ..... , 20 .....

.....

.....

.....

FORM 7

NOTICE OF CHANGE OF ADDRESS FOR SERVICE

(Regulation 17)

1. Name of Corporation .....

…..……..

2. Former Address for service of notices……..

……..

3. New Address for service of notices…….

……..

…….	…….	…….
Date	Signature	Title

FORM 8

CERTIFICATE OF TITLE TO LAND

(Regulation 18)

Block: Parcel:

Description and location of land:

Description and location of unit:

THIS IS TO CERTIFY that A.B. of *(address)* is now the registered owner under the Condominium Act of the unit registered as *(unit number)* and comprising *(area)*, situate on that parcel of land registered as *(parcel-number)*, subject to the interests endorsed hereon or in the register and to such interests as may under the said Act subsist without registration.

IN WITNESS WHEREOF I have hereto subscribed my name and affixed the seal of the Land Registry this *(date)*.

(Seal) Registrar of Lands

FORM 9

TRANSPORT

(Regulation 19)

Guyana

County of .....

Before .....[Registrar of Deeds of Guyana/Chief Justice or Puisne Judge of Guyana] aforesaid.

Be it known that on this day the ..... day of .....in the Year Two Thousand and ..... appeared .....which appearer declared by these presents to cede, transport, and in full and free property to make over to and in favour of ..... his heirs, executors, administrators and assigns [here describe fully the property] being of the value of ..... dollars of the current money of Guyana aforesaid, transported on the ..... the appearer ..... acknowledging to be fully paid and satisfied for the same. And appeared at the same time ..... who declared to accept of the foregoing transport and to be satisfied therewith.

In testimony whereof the parties have hereunto set their hands and I, the said [Registrar of Deeds/Chief Justice or Puisne Judge], together with the transport clerk, have countersigned the same the day and year first above written, the seal of the Court being affixed hereto.

OR

Guyana

County of .....

Be it known that in obedience to a judgment (or order) of the High Court (or of the honourable ..... in chambers, as the case may be) under the Deeds Registry Act, before ..... [Registrar of Deeds of Guyana/Chief Justice or Puisne Judge of Guyana] appeared ..... an officer of the Court, which appearer declared by these presents to cede, transport, and in full and free property to make over, to and in favour ..... of his heirs, executors, administrators and assigns [here describe fully the property] being the value of ..... dollars of the current money of Guyana. And appeared at the same time who declared to accept the foregoing transport and to be satisfied therewith.

In testimony whereof the parties have hereunto set their hands and I, the said [Registrar of Deeds/Chief Justice or Puisne Judge], together with the transport clerk have countersigned the same the day and year first above written, the seal of the Court being affixed hereto.

FORM 10

DISCHARGE OF LIEN

(Regulation 20)

.....
(Name of Condominium Corporation)

Having received payment of the amount mentioned in the notice, of lien registered as No. ..... in respect of UNIT (No. .....) LEVEL (No .....) of (identification of condominium plan) registered in the Registry pursuant to section 41 (8) of the Condominium Act, hereby discharge the said UNIT from the said lien.

Witness the seal of the Corporation duly affixed by the authorised officers of the Corporation at ..... , this ..... day of ..... , 20.....

.....
(Corporate Seal)

.....
(Signed)

FORM 11

NOTICE OF LIEN

(Regulation 21)

.....
(Name of Condominium Corporation)

Hereby gives notice that it has a lien under the Condominium Act against Unit (No .....
), Level (No .....) of (identification of Condominium plan), registered in the Registry and the common interest appurtenant thereto for unpaid common expenses for the amount of $ .....at the date hereof and for such further amounts as are hereafter not paid when they become due. Upon payment of the amount outstanding at any time and upon demand, the Corporation will give the owner a discharge of the lien in the prescribed form. The lien does not secure payments of common expenses which become due more than three months before the date of registration of this notice.

Witness the seal of the Corporation duly affixed by the authorised officers of the Corporation at, ... this ..... day of ..... , 20.....

.....
(Corporate Seal)

.....
(Signed)

FORM 12

CERTIFICATE OF COMMON EXPENSES

(Regulation 22)

.....
(Name of Condominium Corporation)

Hereby certifies that, as of the date hereof—

1. The owner of Unit (No .....), Level (No .....) of (identification of Condominium plan), registered in the Registry is not in default in the payment of common expenses;

(or)

The owner ..... is in default in the payment of common expenses in the amount of $ .....;

2. The amount of $..... in common expenses stands to the credit of the said owner in the Corporation's records (if applicable);

3. A payment on account of common expenses of $..... is due on (next due date) for the period (date) to (date);

4. The Corporation is not presently considering any increase in the common expenses;

(or)

The Corporation anticipates an increase of approximately ..... per cent in the common expenses as a result of (here give particulars of any known forthcoming increase and the reason for it);

and

5. The Corporation has no knowledge of any circumstances that may result in an increase in the common expenses. *(Where applicable add: except (here give particulars of any potential increase and the reason for it).)*

(Note.—Such other information may be included in the certificate as the Corporation considers appropriate.)

Witness the seal of the Corporation duly affixed by the authorised officers of the Corporation at, ... this ..... day of ..... , 20.....

.....

(Corporate Seal)

.....

(Signed)

FORM 13

NOTICE OF TERMINATION UNDER SECTION 48 OF ACT

(Regulation 23)

.....
(Name of Condominium Corporation)

Hereby gives notice pursuant to section 48 (1) of the Condominium Act that-

1. The board of directors of the Corporation did on the .....
day of ....., 20 , determine that substantial damage to twenty-five per cent (or such greater percentage as is specified in the Declaration) of the building occurred on the ..... day of ..... , 20.....

(Where notice is under section 48 (1) of the Act add—)

2. On a vote, on the ..... day of ....., 20 , the owners who at that time owned eighty per cent (or such greater percentage as is specified in the Declaration) of the common property did not vote for repair.

(or)

(Where notice is under section 48 (2) of the Act add—)

3. There was no vote under section 48 (2) of the Act within sixty days after the determination.

4. This notice is given in respect of the property included in ..... Condominium Plan No .....registered in the Registry.

5. Upon registration of this notice section 48 (3) of the Condominium Act applies.

Witness the seal of the Corporation duly affixed by the authorised officers of the Corporation at ..... this .....day of ..... , 20 .....

.....

(Corporate seal)

.....

(Signed)

SECOND SCHEDULE

FEES

(Regulation 9)

1	Submission of Approval of a (proposed) Declaration and Description	$100,000.00
2	Registration of a Declaration and Description	2.5% of the Property Value
3	Registration of By-Law of a Corporation	$35,000.00
4	Registration of a Notice of Lien	1/4 of 1% of the Lien amount
5	Registration of a Notice of Discharge	$5,000.00
6	Registration of a Notice of Termination	$15,000.00
7	Registration of an Amendment of a Declaration	$15,000.00
8	Registration of any other instrument including:-	
	Transfers/Disposals of Units	2.5% of the Property Value
	Vesting of Estates	1/4 of 1% of the Property Value
	Copy in Lieu of Lost Gross	$15,000.00
	Copy in Lieu of Mutilated Gross	$15,000.00

Made by the Minister this 16th day of January, 2023.

.....

Hon. Collin Croal, MP
Minister of Housing and Water