

Version  
as at 9 May 2023



## Unit Titles Regulations 2011 (SR 2011/122)

Anand Satyanand, Governor-General

### Order in Council

At Wellington this 9th day of May 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 217 of the Unit Titles Act 2010, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**These regulations are administered by the Ministry of Business, Innovation, and Employment.**

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## **Regulations**

### **1 Title**

These regulations are the Unit Titles Regulations 2011.

### **2 Commencement**

These regulations come into force on 20 June 2011.

### **3 Interpretation**

(1) In these regulations, unless the context otherwise requires,—

**Act** means the Unit Titles Act 2010

**committee chairperson** means a chairperson of a body corporate committee

**committee member** means a member of a body corporate committee

**corporation** means an incorporated body of persons

**director,—**

- (a) in relation to a company, means any person occupying the position of director of the company, by whatever name called; or
  - (b) in relation to a corporation other than a company or a corporation sole, includes a person occupying a position (however described) in the body corporate that is comparable with that of a director of a company; or
  - (c) in relation to a corporation sole, means the holder of the office constituted as the corporation sole.
- (2) For the purposes of these regulations, a subsidiary body corporate is to be treated as the unit owner of the principal unit that was subdivided to create the subsidiary unit title development.
- (3) Terms defined in the Act have the same meaning in these regulations as they have in the Act, unless the context otherwise requires.

### *Register of unit owners*

#### **4 Register of unit owners**

- (1) A body corporate must include the following information in a register of unit owners, to the extent that the information is relevant, for every unit owner in a unit title development:
- (a) the unit number; and
  - (b) the unit owner's full name; and
  - (c) the unit owner's contact details and preferred method of contact; and
  - (d) the unit owner's ownership interest; and
  - (e) the unit owner's utility interest; and
  - (f) the name, contact details, and preferred method of contact of any representative of the unit owner; and
  - (g) the name, contact details, and preferred method of contact of any agent appointed by the unit owner under section 81 of the Act; and
  - (h) if the unit owner is a corporation, the name, contact details, and preferred method of contact of a director or representative of the corporation; and
  - (i) if the unit is held on trust, the name, contact details, and preferred method of contact of each trustee of the trust; and
  - (j) if the unit owner is the Crown, the name, contact details, and preferred method of contact of the appropriate Minister or officer or employee of the Crown.
- (2) A unit owner's preferred method of contact—
- (a) must be either by post or by email; and

- (b) may be through—
  - (i) an agent appointed under section 81 of the Act or a representative; or
  - (ii) the subsidiary body corporate representative, the chairperson, or the body corporate committee, if the unit owner is a subsidiary body corporate.
- (3) The following may search a register of unit owners for the purposes specified in subclause (4):
  - (a) the chairperson;
  - (b) the body corporate committee;
  - (c) a person approved by the body corporate or the body corporate committee.
- (4) The purposes referred to in subclause (3) are—
  - (a) to give notice of body corporate meetings;
  - (b) to give notice of resolutions voted on;
  - (c) to advise unit owners of matters relating to the body corporate or the unit title development;
  - (d) to serve documents;
  - (e) to forward information or documentation from a unit owner to another unit owner, provided that the information or documentation—
    - (i) relates to the management of the unit title development; or
    - (ii) relates to the use or enjoyment of the unit title development.
- (5) In this regulation,—

**contact details** means address for service, telephone number, and email address (if any)

**representative** means a representative of the owner of a principal unit within the meaning of section 96(2) of the Act.

*Body corporate meetings*

**5 Notice of intention to hold annual general meeting**

- (1) A notice of intention to hold an annual general meeting must be issued to every unit owner in the unit title development by each owner's preferred method of contact.
- (2) A notice of intention to hold an annual general meeting must be issued by—
  - (a) the body corporate, in the case of the first annual general meeting; and
  - (b) the chairperson, in the case of every other annual general meeting.
- (3) A notice of intention to hold an annual general meeting must be issued—

- (a) at least 6 weeks before the date of the annual general meeting where the unit title development is a parent unit title development; or
  - (b) at least 3 weeks before the date of the annual general meeting in every other case.
- (4) A notice of intention to hold an annual general meeting must—
- (a) state the date, time, and venue of the meeting; and
  - (b) state that a unit owner may not vote unless all body corporate levies and other amounts that are from time to time payable to the body corporate in respect of the unit have been paid; and
  - (c) invite unit owners to nominate candidates for election—
    - (i) as the chairperson:
    - (ii) as the subsidiary body corporate representative where the body corporate is a subsidiary body corporate:
    - (iii) to the body corporate committee (where applicable); and
  - (d) state that candidates must be owners of principal units in the unit title development; and
  - (e) invite unit owners to propose matters for discussion at the meeting; and
  - (f) state the date by which nominations under paragraph (c) and proposals under paragraph (e) must be received, and to whom they must be sent.

## **6 Notice of annual general meeting**

- (1) Notice of an annual general meeting must be issued to every unit owner in the unit title development by each owner's preferred method of contact.
- (2) Notice of an annual general meeting must be issued by—
- (a) the body corporate, in the case of the first annual general meeting; and
  - (b) the chairperson, in the case of every other annual general meeting.
- (3) Notice of an annual general meeting must be issued—
- (a) at least 3 weeks before the date of the annual general meeting where the unit title development is a parent unit title development; or
  - (b) at least 2 weeks before the date of the annual general meeting in every other case.
- (4) Notice of an annual general meeting must—
- (a) set out the agenda for the meeting; and
  - (b) contain the text of motions to be decided by resolution (if any); and
  - (c) contain the names of the candidates for election; and
  - (d) set out the voting procedures for unit owners who wish to vote by proxy or by post; and
  - (e) set out the procedure to be followed if a quorum is not present; and

- (f) contain any other information that the body corporate or chairperson (as the case may be) considers relevant.
- (5) Notice of an annual general meeting must be accompanied by the following documents:
  - (a) a proxy appointment form; and
  - (b) a postal voting form; and
  - (c) a copy of the financial statements for the most recent financial year; and
  - (ca) a copy of the body corporate committee interests register; and
  - (d) any other document that the body corporate or chairperson (as the case may be) considers relevant.

Regulation 6(5)(ca): inserted, on 9 May 2023, by section 50 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

## **7 Notice of intention to hold extraordinary general meeting for purpose of election**

- (1) The chairperson or body corporate committee (as the case may be) must issue a notice of intention to hold an extraordinary general meeting called for any of the purposes specified in subclause (2) to every unit owner in the unit title development by each owner's preferred method of contact.
- (2) The purposes referred to in subclause (1) are—
  - (a) to elect a chairperson;
  - (b) to elect a subsidiary body corporate representative;
  - (c) to elect a body corporate committee member.
- (3) A notice of intention to hold an extraordinary general meeting must be issued—
  - (a) at least 4 weeks before the date of the extraordinary general meeting where the unit title development is a parent unit title development; or
  - (b) at least 2 weeks before the date of the extraordinary general meeting in every other case.
- (4) A notice of intention to hold an extraordinary general meeting must—
  - (a) state the date, time, and venue of the meeting; and
  - (b) state that a unit owner may not vote unless all body corporate levies and other amounts that are from time to time payable to the body corporate in respect of the unit have been paid; and
  - (c) invite unit owners to nominate candidates for election; and
  - (d) state that candidates must be owners of principal units in the unit title development; and
  - (e) state the date by which nominations under paragraph (c) must be received, and to whom they must be sent.

- (5) This regulation does not apply if the extraordinary general meeting is required by section 89A of the Act.

Regulation 7(5): inserted, on 30 May 2017, by regulation 4 of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

## **8 Notice of extraordinary general meeting (other than one to which regulation 8A applies)**

- (1) At least 1 week before the date of an extraordinary general meeting, the chairperson or body corporate committee (as the case may be) must issue a notice of an extraordinary general meeting (other than an extraordinary general meeting required by section 89A of the Act) to every unit owner in the unit title development by each owner's preferred method of contact.
- (2) Notice of an extraordinary general meeting must—
- (a) state the date, time, and venue of the meeting; and
  - (b) set out the agenda for the meeting; and
  - (c) contain the text of motions to be decided by resolution (if any); and
  - (d) list the names of candidates for election (if any); and
  - (e) state that a unit owner may not vote unless all body corporate levies and other amounts that are from time to time payable to the body corporate in respect of the unit have been paid; and
  - (f) set out the voting procedures for unit owners who wish to vote by proxy or by post; and
  - (g) set out the procedure to be followed if a quorum is not present; and
  - (h) contain any other information that the chairperson or body corporate committee (as the case may be) considers relevant.
- (3) A notice of extraordinary general meeting must be accompanied by the following documents:
- (a) a proxy appointment form; and
  - (b) a postal voting form; and
  - (c) any other document that the chairperson or the body corporate committee (as the case may be) considers relevant.
- (4) The notice need not contain the information required by subclause (2)(a) and (e) if a notice of intention has been issued under regulation 7.

Regulation 8 heading: amended, on 30 May 2017, by regulation 5(1) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

Regulation 8(1): amended, on 30 May 2017, by regulation 5(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

## **8A Notice of extraordinary general meeting required by section 89A of Act**

- (1) This regulation applies where an extraordinary general meeting is required by section 89A of the Act (which relates to motions proposed by notice to the

- chairperson signed by the unit owners of not less than 25% of the principal units).
- (2) The chairperson must issue a notice of the extraordinary general meeting to every unit owner in the unit title development by each owner's preferred method of contact.
  - (3) The notice of the extraordinary general meeting must be issued—
    - (a) not more than 5 working days after the date on which the chairperson receives the notice referred to in section 89A of the Act; but
    - (b) at least 1 week before the date of the extraordinary general meeting.
  - (4) The date of the extraordinary general meeting must be not later than 3 weeks after the date on which the chairperson receives the notice referred to in section 89A of the Act.
  - (5) Notice of the extraordinary general meeting must—
    - (a) state the date, time, and venue of the meeting; and
    - (b) set out the agenda for the meeting; and
    - (c) contain the text of motions proposed in the notice referred to in section 89A of the Act to be decided by resolution; and
    - (d) contain the text of any other motion required by these regulations or by the Act to be decided by resolution; and
    - (e) state that a unit owner may not vote unless all body corporate levies and other amounts that are from time to time payable to the body corporate in respect of the unit have been paid; and
    - (f) set out the voting procedures for unit owners who wish to vote by proxy or by post; and
    - (g) set out the procedure to be followed if a quorum is not present; and
    - (h) contain any other information that the chairperson considers relevant.
  - (6) The notice of extraordinary general meeting must be accompanied by the following documents:
    - (a) a proxy appointment form; and
    - (b) a postal voting form; and
    - (c) any other document that the chairperson considers relevant.

Regulation 8A: inserted, on 30 May 2017, by regulation 6 of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

## **9 Extraordinary general meetings: emergencies**

In the case of an emergency, the chairperson or body corporate committee (as the case may be) may give notice of an extraordinary general meeting other than in accordance with any of regulations 7, 8, and 8A, provided that the

chairperson or body corporate committee makes reasonable efforts to notify every unit owner of the meeting.

Regulation 9: amended, on 30 May 2017, by regulation 7 of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

### *Chairperson*

#### **10 Election of chairperson**

- (1) A body corporate must elect a chairperson by ordinary resolution at every annual general meeting of the body corporate.
- (2) A candidate for election as chairperson must—
  - (a) be nominated by another unit owner in the unit title development; and
  - (ab) at the time nominations are required by regulation 5(4)(f) or 7(4)(e) to be received, have no overdue body corporate levies or other amounts payable and owing to the body corporate; and
  - (b) consent to the nomination.
- (2A) Despite subclause (2), a candidate for election as chairperson may nominate themselves—
  - (a) during the control period; and
  - (b) at any time that all the principal units in the unit title development are owned by the candidate.
- (3) If a candidate for election as chairperson is not a natural person, the candidate must nominate a director to act as chairperson on the candidate's behalf.
- (4) The chairperson must be—
  - (a) the owner of a principal unit in the unit title development; or
  - (b) a director who has been nominated under subclause (3).
- (5) As soon as practicable after the annual general meeting at which he or she is elected, the chairperson must notify every unit owner in the unit title development, by each owner's preferred method of contact, of his or her election to that office.
- (6) Unless a chairperson sooner resigns or is removed from office by ordinary resolution of the body corporate, he or she holds office from the close of the general meeting at which he or she is elected until the close of the next annual general meeting.
- (7) Subject to regulation 12(7), a chairperson is eligible for re-election.

Regulation 10(2)(ab): inserted, on 9 May 2023, by section 51(1) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 10(2A): inserted, on 9 May 2023, by section 51(2) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

## **11 Duties of chairperson**

- (1) Subject to subclauses (2) and (3), a chairperson has the following duties:
  - (a) to maintain the register of unit owners; and
  - (b) to prepare the agenda for each general meeting; and
  - (c) to chair each general meeting (unless it is agreed at the start of a general meeting that another person will chair that meeting); and
  - (d) to prepare minutes of each general meeting; and
  - (e) to record resolutions voted on and whether they were passed; and
  - (f) to keep financial accounts and records; and
  - (g) to submit, on behalf of the body corporate, the body corporate's financial statements to an independent auditor under section 132(2)(a) of the Act; and
  - (h) to receive reports from the body corporate committee and distribute them to unit owners; and
  - (i) to sign documents on behalf of the body corporate; and
  - (j) to prepare and issue notices of resolutions to be passed without a general meeting; and
  - (k) to notify unit owners of the result of any vote on a resolution to be passed without a general meeting; and
  - (l) to notify the body corporate committee of any delegation of a duty or power by the body corporate to the body corporate committee under section 108 of the Act; and
  - (m) any other duties relating to the administration of the body corporate that the body corporate has decided by ordinary resolution to confer on the chairperson.
- (2) A chairperson has all of the duties specified in subclause (1)(a) to (m) except to the extent that the body corporate has delegated any of the duties to the body corporate committee under section 108(1) of the Act.
- (3) The duties specified in subclause (1) are in addition to those conferred elsewhere by these regulations or by the Act.

## **12 Removal or resignation of chairperson**

- (1) The chairperson may be removed from office by ordinary resolution of the body corporate at an extraordinary general meeting.
- (2) Where the chairperson is removed from office under subclause (1), the body corporate must elect a new chairperson by ordinary resolution at the same extraordinary general meeting.
- (3) The chairperson may give notice in writing to the body corporate at any time of his or her intention to resign.

- (4) The chairperson must give notice in writing to the body corporate of his or her intention to resign if—
  - (a) an agreement for the sale and purchase of the chairperson’s unit has become unconditional; and
  - (b) as a result of the sale and purchase of the unit, the chairperson will no longer be the owner of a principal unit in the unit title development.
- (5) The chairperson must issue a notice of intention to hold an extraordinary general meeting under regulation 7—
  - (a) at the same time as giving notice to the body corporate under subclause (3); or
  - (b) if the next annual general meeting of the body corporate is not due to take place until after the settlement of the sale and purchase of the chairperson’s unit, at the same time as giving notice to the body corporate under subclause (4).
- (6) A chairperson’s resignation takes effect from the close of the general meeting at which a new chairperson is elected.
- (7) A chairperson who is removed, or who resigns, from office is not eligible for re-election at the general meeting at which the new chairperson is to be elected.

### *Voting*

#### **13 Quorum**

- (1) A general meeting of a body corporate may proceed without a quorum if the persons who have cast postal votes together with those present are entitled to exercise the voting power in respect of not less than 25% of the principal units in the unit title development.
- (2) If a quorum is not reached at a general meeting of a body corporate, and subclause (1) does not apply, the following procedure applies:
  - (a) the meeting must be adjourned until the same day 1 week later; and
  - (b) the reconvened meeting must be held at the same time and place, unless the chairperson has notified all unit owners of a change to the time or place (or both) at least 3 days before the reconvened meeting is due to take place; and
  - (c) the reconvened meeting must proceed, whether a quorum exists or not.

#### **14 Voting: proxies**

- (1) A proxy is appointed for a particular general meeting.
- (2) A proxy appointment expires—
  - (a) at the end of the general meeting for which the appointment is made; or
  - (b) if that meeting is adjourned, at the end of the reconvened meeting.

- (3) A proxy appointment may be revoked at any time before it expires.
- (4) Subject to subclause (5), a proxy appointment is not effective unless the proxy appointment form is delivered in the manner required by the body corporate at the start of the general meeting for which the proxy is appointed.
- (5) If a proxy is appointed during a general meeting, the proxy appointment form may be delivered after the start of the general meeting, provided that it is delivered before the first vote for which the proxy is appointed.

#### **15 Voting: postal**

- (1) If the text of a motion to be decided by resolution at a general meeting is materially amended at the general meeting, a postal vote cast on the motion must not be counted in relation to that motion, but may still be counted for the purposes of regulation 13(1).
- (2) If a general meeting is adjourned, a postal vote remains valid for the purposes of the reconvened meeting, unless the voter who cast the postal vote attends the reconvened meeting in person or by proxy.

#### **16 Passing of resolution without general meeting**

- (1) A notice of a resolution to be passed without a general meeting must contain the following information:
  - (a) a statement that the resolution that accompanies the notice is to be passed by the body corporate without a general meeting; and
  - (b) instructions on how to vote in favour of, or against, the resolution; and
  - (c) the name and address of the person to whom the resolution indicating the vote must be returned; and
  - (d) the date by which a vote must be cast; and
  - (e) the percentage of eligible voters required to vote in favour of the resolution for the resolution to pass; and
  - (f) a statement that no poll can be requested in relation to the resolution.
- (2) A notice of a resolution to be passed without a general meeting must be accompanied by the resolution.
- (3) As soon as is reasonably practicable after votes have been counted, the body corporate must notify unit owners of the result of the vote.

#### *Method of contracting*

#### **17 Method of contracting**

- (1) Subject to subclause (2), a body corporate may not enter into an obligation without the body corporate's approval by ordinary resolution.

- (2) Subclause (1) does not apply if the body corporate is required to enter into an obligation urgently for the purpose of avoiding serious damage to property or preventing injury.
- (3) Subclause (4) applies to the following obligations:
  - (a) an obligation that, if entered into by an individual, is required to be by deed; and
  - (b) an obligation that, if entered into by an individual, is required to be in writing.
- (4) An obligation to which this subclause applies may be entered into on behalf of the body corporate in writing by the chairperson, or by the committee chairperson if this power has been delegated to a body corporate committee, and must be witnessed by—
  - (a) 1 member of the body corporate committee; or
  - (b) if no body corporate committee has been elected, 1 member of the body corporate; or
  - (c) if there is only 1 member of the body corporate, a person who is not a member of the body corporate and who is not a party to, or otherwise interested in, the obligation.
- (5) An obligation that, if entered into by an individual, is not required to be in writing may be entered into on behalf of the body corporate in writing or orally by the chairperson, or by the committee chairperson if this power has been delegated to a body corporate committee.
- (6) In this regulation, **obligation** means a contract or other enforceable obligation.

*Address for service*

**18 Address for service**

- (1) A body corporate must notify the Registrar of a change to the body corporate's address for service as soon as is reasonably practicable after the change.
- (2) The Registrar must note a change to a body corporate's address for service on the supplementary record sheet for the unit title development.

*Subsidiary body corporate representative*

**19 Election of subsidiary body corporate representative**

- (1) A subsidiary body corporate must elect a subsidiary body corporate representative by ordinary resolution at every annual general meeting of the subsidiary body corporate.
- (2) A candidate for election as a subsidiary body corporate representative must—
  - (a) be nominated by another unit owner in the subsidiary unit title development; and

- (b) consent to the nomination.
- (3) If a candidate for election as a subsidiary body corporate representative is not a natural person, the candidate must nominate a director to act as subsidiary body corporate representative on the candidate's behalf.
- (4) The subsidiary body corporate representative must be—
  - (a) the owner of a principal unit in the subsidiary unit title development; or
  - (b) a director who has been nominated under subclause (3).
- (5) Unless a subsidiary body corporate representative sooner resigns or is removed from office by ordinary resolution of the subsidiary body corporate, he or she holds office from the close of the general meeting at which he or she is elected until the close of the next annual general meeting.
- (6) Subject to regulation 20(7), a subsidiary body corporate representative is eligible for re-election.

## **20 Removal or resignation of subsidiary body corporate representative**

- (1) The subsidiary body corporate representative may be removed from office by ordinary resolution of the subsidiary body corporate at an extraordinary general meeting.
- (2) Where the subsidiary body corporate representative is removed from office under subclause (1), the subsidiary body corporate must elect a new subsidiary body corporate representative by ordinary resolution at the same extraordinary general meeting.
- (3) The subsidiary body corporate representative may give notice in writing to the subsidiary body corporate, at any time, of his or her intention to resign.
- (4) The subsidiary body corporate representative must give notice in writing to the subsidiary body corporate of his or her intention to resign if—
  - (a) an agreement for the sale and purchase of the subsidiary body corporate representative's unit has become unconditional; and
  - (b) as a result of the sale and purchase of the unit, the subsidiary body corporate representative will no longer be the owner of a principal unit in the subsidiary unit title development.
- (5) The chairperson of the body corporate must issue a notice of intention to hold an extraordinary general meeting under regulation 7—
  - (a) as soon as is reasonably practicable after the subsidiary body corporate representative gives notice to the subsidiary body corporate under subclause (3); or
  - (b) if the next annual general meeting of the body corporate is not due to take place until after settlement of the sale and purchase of the subsidiary body corporate representative's unit, as soon as is reasonably prac-

licable after the subsidiary body corporate representative gives notice to the subsidiary body corporate under subclause (4).

- (6) The subsidiary body corporate representative's resignation takes effect from the close of the general meeting at which the new subsidiary body corporate representative is elected.
- (7) A subsidiary body corporate representative who is removed, or who resigns, from office is not eligible for re-election at the general meeting at which the new subsidiary body corporate representative is to be elected.

### *Body corporate operational rules*

## **21 Body corporate operational rules**

The body corporate operational rules set out in Schedule 1 are prescribed for the purposes of section 105(2)(a) of the Act.

Regulation 21: amended, on 30 May 2017, by regulation 8 of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

### *Body corporate committees*

## **22 Delegation to body corporate committee**

- (1) A written notice of delegation of a duty or power by a body corporate to a body corporate committee under section 108(1) of the Act must—
  - (a) contain the following information about each duty or power that is being delegated:
    - (i) a description of the duty or power; and
    - (ii) the restrictions (if any) on the body corporate committee's power to perform the duty or exercise the power; and
  - (b) specify the duration of the delegation; and
  - (c) contain a statement that the notice of delegation is evidence of the body corporate committee's authority to perform each duty or exercise each power that is being delegated; and
  - (d) specify the frequency of the body corporate committee's reports on the delegation to the body corporate.
- (2) A written notice of delegation must be served on each member of the body corporate committee.

## **23 Revocation of delegation to body corporate committee**

- (1) A notice of revocation under section 111 of the Act must—
  - (a) contain a description of the duty or power in relation to which the delegation is being revoked; and
  - (b) specify the date on which the revocation takes effect.

- (2) A notice of revocation of a delegation must be served on each member of the body corporate committee.

#### **24 Election of body corporate committee**

- (1) A body corporate that decides to form a body corporate committee must do the following at an annual general meeting:
- (a) decide by ordinary resolution how many elected members the body corporate committee must have and the total number of members required to constitute a quorum; and
  - (b) elect the elected members of the body corporate committee.
- (2) A body corporate that is required to form a body corporate committee under section 112(2) of the Act (because it has not decided, by special resolution, not to do so) must take the steps specified in subclause (1) at the first annual general meeting of the body corporate.
- (3) A candidate for election as a committee member must—
- (a) be the owner of a principal unit in the unit title development; and
  - (b) at the time nominations are required by regulation 5(4)(f) or 7(4)(e) to be received, have no overdue body corporate levies or other amounts payable and owing to the body corporate.
- (3A) A candidate for election who is nominated by another unit owner must consent to the nomination.
- (4) If a candidate for election as a committee member is not a natural person, the candidate may nominate a director of the candidate, or an employee or class of employee authorised by the directors of the candidate, to act as a committee member on the candidate's behalf.
- (5) A candidate for election as a committee member may—
- (a) be nominated by another unit owner in the unit title development; or
  - (b) nominate themselves.
- (6) *[Revoked]*
- (7) Unless a committee member sooner resigns or is removed from office by ordinary resolution of the body corporate, he or she holds office from the close of the general meeting at which he or she is elected until the close of the next annual general meeting.
- (8) A committee member is eligible for re-election.
- (9) *See* section 112A of the Act that confers automatic membership of the body corporate committee on the chairperson of the body corporate.

Regulation 24(1)(a): amended, on 9 May 2023, by section 52(1)(a) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 24(1)(a): amended, on 9 May 2023, by section 52(1)(b) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 24(1)(b): amended, on 9 May 2023, by section 52(2) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 24(3): replaced, on 9 May 2023, by section 52(3) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 24(3A): inserted, on 9 May 2023, by section 52(3) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 24(4): amended, on 9 May 2023, by section 52(4) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 24(5): replaced, on 9 May 2023, by section 52(5) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 24(6): revoked, on 9 May 2023, by section 52(5) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 24(9): inserted, on 9 May 2023, by section 52(6) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

## **25 Removal or resignation of body corporate committee members**

- (1) A committee member may be removed from office by ordinary resolution of the body corporate at an extraordinary general meeting.
- (2) A committee member may give notice in writing to the body corporate at any time of his or her intention to resign.
- (3) A committee member must give notice in writing to the body corporate of his or her intention to resign if—
  - (a) an agreement for the sale and purchase of the committee member's unit has become unconditional; and
  - (b) as a result of the sale and purchase of the unit, the committee member will no longer be the owner of a principal unit in the unit title development.
- (4) If the removal or resignation of a committee member reduces the membership of the body corporate committee below the number required for a quorum, the body corporate committee must issue a notice of intention to hold an extraordinary general meeting under regulation 7 for the purpose of electing a new committee member.
- (5) The date on which a committee member's resignation takes effect is the date specified in the notice unless the settlement of the sale and purchase of the unit, or the next annual general meeting, occurs before that date, in which case the resignation takes effect on the earlier of those dates.

## **26 Body corporate committee chairperson**

- (1AA) This regulation applies only if a body corporate has decided (in accordance with section 112A of the Act) that the chairperson of the body corporate committee is to be a person other than the chairperson of the body corporate.
- (1) At the first meeting of a body corporate committee, the committee must appoint a chairperson, who must be a member of the committee.

- (2) A committee chairperson may be removed from office at a meeting of the body corporate committee.
- (3) Where a committee chairperson is removed from office under subclause (2), the body corporate committee must elect a new committee chairperson at that meeting or the first meeting that is held after the office of committee chairperson has become vacant.

Regulation 26(1AA): inserted, on 9 May 2023, by section 53 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

## **27 Body corporate committee business**

- (1) A body corporate committee must meet within 1 month of the date of service of a notice of delegation under section 108(1) of the Act.
- (2) A body corporate committee may meet as often as it considers necessary (so long as it has a quorum).
- (2A) A meeting may be conducted by audio link, audiovisual link, or other remote access facility.
- (3) If there is no quorum at a body corporate committee meeting, the following procedure applies:
  - (a) the meeting must be adjourned until the same day 1 week later:
  - (b) the reconvened meeting must be held at the same time and place, unless the committee chairperson has notified the committee members of a change to the time or place (or both) at least 3 days before the reconvened meeting is due to take place:
  - (c) the reconvened meeting must proceed, whether a quorum exists or not.
- (3A) A committee member who, at a committee meeting, does not satisfy the eligibility requirements to exercise a vote as if the meeting were a general meeting of the body corporate (for example, because the member has outstanding levy amounts owing to the body corporate)—
  - (a) must not be counted when determining whether there is a quorum for the meeting; and
  - (b) must not vote on any resolution put at the meeting; but
  - (c) may remain at the meeting and take part in any discussions.
- (4) *[Revoked]*
- (5) *[Revoked]*
- (6) See regulation 24 for how the quorum number is determined. See section 79(c) and section 96 of the Act for eligibility to vote at a general meeting.

Regulation 27(2): amended, on 9 May 2023, by section 54(1) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 27(2A): inserted, on 9 December 2022, by section 54(2) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 27(3A): inserted, on 9 May 2023, by section 54(3) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 27(4): revoked, on 9 May 2023, by section 54(4) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 27(5): revoked, on 9 May 2023, by section 54(4) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 27(6): inserted, on 9 May 2023, by section 54(5) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

## **27A Body corporate committee minutes**

- (1) A body corporate committee must provide copies of the minutes of its meetings to all unit owners promptly, but no later than 1 month after the meeting date.
- (2) Information in the minutes may be redacted from the copies provided to unit owners if—
  - (a) disclosing the information would be a breach of the Privacy Act 2020 or any other enactment; or
  - (b) the information is subject to legal professional privilege; or
  - (c) confidentiality of the information must be protected on grounds of commercial sensitivity.
- (3) The copies of the minutes may be provided to unit owners electronically, including through an online portal.
- (4) A unit owner may request the body corporate committee to provide a physical copy of the minutes.
- (5) If a unit owner requests a physical copy of the minutes, the body corporate committee must provide the copy within a reasonable time.

Regulation 27A: inserted, on 9 May 2023, by section 55 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

## **28 Body corporate committee reports**

- (1) A body corporate committee must report to the body corporate at each annual general meeting of the body corporate.
- (2) A body corporate committee must report to the body corporate at such other times and in such manner as the body corporate decides by ordinary resolution.
- (3) A body corporate committee report must include the following information:
  - (a) a description of the duties or powers that have been delegated to the body corporate committee; and
  - (b) an account of how those duties have been performed or those powers have been exercised by the committee.

Regulation 28(3)(a): amended, on 9 May 2023, by section 56(1) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 28(3)(b): replaced, on 9 May 2023, by section 56(2) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

## **28A Body corporate committee code of conduct**

The code of conduct set out in Schedule 1A is the code prescribed for the purposes of section 114A of the Act.

Regulation 28A: inserted, on 9 May 2023, by section 57 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

### *Body corporate managers*

Heading: inserted, on 9 May 2023, by section 57 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

## **28B Body corporate manager code of conduct**

The code of conduct set out in Schedule 1B is the code prescribed for the purposes of section 114J of the Act.

Regulation 28B: inserted, on 9 May 2023, by section 57 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

### *Financial management*

## **29 Operating account**

- (1) This regulation applies to a body corporate that has not established an optional contingency fund under section 118 of the Act.
- (2) A body corporate to which this regulation applies may meet an unbudgeted expense out of its operating account provided that,—
  - (a) after paying the unbudgeted expense out of the operating account, the body corporate will be able to continue to pay its debts as they become due in the normal course of operation; and
  - (b) the amount required to meet the expense is less than 10% of the amount determined by the body corporate to be raised for the operating account under section 121 of the Act in that financial year.

## **30 Long-term maintenance plans**

- (1) A long-term maintenance plan must—
  - (a) cover—
    - (i) the common property, building elements, and infrastructure of the unit title development; and
    - (ii) any additional items that the body corporate has decided by ordinary resolution to include in the plan; and
  - (b) identify those items that the body corporate may decide by ordinary resolution not to maintain for any period during the lifetime of the plan; and
  - (c) state the period covered by the plan; and

- (d) state the estimated age and life expectancy of each item covered by the plan; and
  - (e) state the estimated cost of maintenance and replacement of each item covered by the plan; and
  - (f) state whether there is a long-term maintenance fund; and
  - (g) if there is a long-term maintenance fund, state the amount determined by the body corporate to be applied to maintain the fund each year; and
  - (h) state who has prepared the plan.
- (2) A body corporate must carry out a review of its plan at least once every 3 years.
- (3) Subject to subclause (2), a body corporate may carry out a review of its plan as frequently as it considers necessary.

### 31 Bank accounts

A body corporate must resolve by ordinary resolution any matter relating to—

- (a) the establishment of a bank account; or
- (b) the addition of a fund to an existing bank account.

#### *Financial statements*

### 32 Financial statements

- (1) The following matters are prescribed for the purposes of section 132(3) of the Act (which requires financial statements to be in the prescribed form and to contain the matters prescribed by regulations):
- (a) a statement of financial position of the body corporate; and
  - (b) a statement of the body corporate's income and expenditure during the financial year to which the financial statement applies; and
  - (c) any other matters that the body corporate decides by ordinary resolution should be included in the financial statement; and
  - (d) any explanatory material that the body corporate considers necessary for the purpose of understanding the financial statement.
- (2) In this regulation, **statement of financial position** means a statement of the assets and liabilities of the body corporate at the date the statement is made.

#### *Disclosure statements*

### 33 Pre-contract disclosure statement

- (1) The following information is prescribed for section 146(2) of the Act (which requires a pre-contract disclosure statement to contain prescribed information) if the pre-contract disclosure is provided in relation to a sale and purchase of a unit other than an “off-the-plan” unit:

- (a) whether the body corporate or body corporate committee has actual knowledge that any part of the unit title development has—
  - (i) weathertightness issues for which a claim has been made under the Weathertight Homes Resolution Services Act 2006; or
  - (ii) weathertightness issues that have been remediated without a claim under that Act or other proceedings before a court or tribunal; or
  - (iii) weathertightness issues that have not been remediated; or
  - (iv) earthquake-prone issues; or
  - (v) any other significant defects in the land (including the unit title development and the land on which it is situated) that may require remediation:
- (b) whether the body corporate is involved in any proceedings in any court or tribunal and, if so, details of the proceedings:
- (c) financial statements and audit reports for the previous 3 years or (as the case may be) audit reports for those of the previous 3 years for which an audit was carried out and a statement of the years in that time period for which no audit was carried out:
- (d) notices and minutes of general meetings of the body corporate and the body corporate committee for the previous 3 years,—
  - (i) including all supporting documentation; but
  - (ii) excluding any information that may be redacted for the reasons specified in regulation 27A(2):
- (e) the name and contact details of the body corporate manager or managers:
- (f) the 12-month period comprising the current financial year for the purposes of the financial statements of the body corporate:
- (g) the body corporate levies payable for the unit for the current financial year:
- (h) details of maintenance that the body corporate proposes to carry out on the unit title development in the year following the date of the disclosure statement and how the body corporate proposes to meet the cost of that maintenance:
- (i) the balance of every fund or bank account held or operated by or on behalf of the body corporate at the date of the last financial statement:
- (j) a copy of the long-term maintenance plan:
- (k) any proposed works under the long-term maintenance plan for the unit title development to be carried out or begun within the next 3 years and the estimated costs of the works:

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- (l) the next review date for the long-term maintenance plan for the unit title development:
  - (m) any remediation reports commissioned by the body corporate within the previous 3 years:
  - (n) a summary of the insurance cover the body corporate maintains for the unit title development, including—
    - (i) the insurer’s name and contact details; and
    - (ii) the type and amount of cover, the annual amount payable for it, and the excess payable on any claim under it; and
    - (iii) any specific exclusions from cover; and
    - (iv) a statement of where and how the insurance policy can be viewed:
  - (o) an explanation of the following:
    - (i) unit title property ownership:
    - (ii) unit plans:
    - (iii) ownership and utility interests:
    - (iv) body corporate operational rules:
    - (v) the information required to be contained in a pre-settlement disclosure statement:
    - (vi) records of title:
    - (vii) the land information memorandum issued under section 44A of the Local Government Official Information and Meetings Act 1987:
    - (viii) easements and covenants.
- (2) The following information is prescribed for section 146(2) of the Act if the pre-contract disclosure statement is provided in relation to the sale and purchase of an “off-the-plan” unit:
- (a) a summary of the draft financial budget for the unit title development, including an estimate of the cost of operating the body corporate in an average 12 months:
  - (b) an estimate of the proposed ownership interest for the unit based on the sales value (or, in a case where an actual sales value is not available at the time the pre-contract disclosure is provided, based on an estimated sales value at that time):
  - (c) an estimate of the proposed utility interest for the unit:
  - (d) the draft (if any) of the body corporate operational rules that will first apply:

- (e) what, if any, service contracts have been or are proposed to be entered into that will continue in force after the unit purchase is settled, including—
  - (i) any contracts for utilities (for example, telecommunications, water, or electricity); and
  - (ii) any contract appointing a body corporate manager.
- (3) For the purposes of subclause (1)(a), a unit title development has a **weather-tightness issue** if—
  - (a) water has penetrated it because of some aspect of its design, construction, or alteration, or of materials used in its construction or alteration; and
  - (b) the penetration of water is likely to cause or has caused damage to it.
- (4) The information required by this regulation must be provided to the extent that it is capable of being provided in relation to the unit and the development concerned (*see* section 146(2) of the Act).

Regulation 33: replaced, on 9 May 2023, by section 60 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

#### **34 Pre-settlement disclosure statement**

- (1) The following information is prescribed for the purposes of section 147(3)(a) of the Act (which requires a pre-settlement disclosure statement to contain the prescribed information), subject to subclause (2):
  - (a) the unit number; and
  - (b) the body corporate number; and
  - (c) the amount of the contribution levied by the body corporate under section 121 of the Act in respect of the unit being sold; and
  - (d) the period covered by such contribution; and
  - (e) the manner of payment of the levy; and
  - (f) the date on or before which payment of the levy is due; and
  - (g) whether a levy, or part of a levy, due to the body corporate is unpaid and, if so, the amount of the unpaid levy; and
  - (h) whether legal proceedings have been instituted in relation to any unpaid levy; and
  - (i) whether any metered charges due to the body corporate are unpaid and, if so, the amount of unpaid metered charges; and
  - (j) whether any costs relating to repairs to building elements or infrastructure contained in the unit are unpaid and, if so, the amount of unpaid costs; and
  - (k) the rate at which interest is accruing on any money owing to the body corporate by the seller; and

- (l) whether there are any proceedings pending against the body corporate in any court or tribunal; and
  - (la) whether there are any proceedings—
    - (i) initiated by the body corporate and pending in any court or tribunal; or
    - (ii) intended to be initiated by the body corporate in any court or tribunal; and
  - (lb) whether there is any written claim by the body corporate against a third party that is yet to be resolved; and
  - (m) whether there have been any changes to the body corporate operational rules since the pre-contract disclosure statement.
- (2) If the pre-settlement disclosure statement is provided for an “off-the-plan” unit, the seller is required to—
- (a) provide the information specified in subclause (1) to the extent that it is capable of being provided at the date the statement is provided; and
  - (b) provide the following additional information:
    - (i) the name and contact details of the body corporate manager, if there is one; and
    - (ii) the insurance information specified in regulation 33(1)(n).

Regulation 34(1): amended, on 9 May 2023, by section 61(1) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 34(1)(la): inserted, on 9 May 2023, by section 61(2) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 34(1)(lb): inserted, on 9 May 2023, by section 61(2) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 34(1)(m): inserted, on 9 May 2023, by section 61(3) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Regulation 34(2): inserted, on 9 May 2023, by section 61(4) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

### **35 Additional disclosure statement**

*[Revoked]*

Regulation 35: revoked, on 9 May 2023, by section 62 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

### **36 Turn-over disclosure statement**

The following information is prescribed for the purposes of section 156(2) of the Act (which requires a turn-over disclosure statement to be in the prescribed form and to contain the prescribed information):

- (a) the date on which the control period ended; and
- (b) details of any as-built plans and specifications of the unit title development; and

- (c) the assets and liabilities of the body corporate at the date of the meeting required by section 155 of the Act; and
- (d) the rent, term, and rights of renewal of any lease or licence granted over the common property; and
- (e) details of any code compliance certificates that have been issued under the Building Act 2004 in relation to the unit title development; and
- (f) details of any recommended maintenance schedules for construction materials and infrastructure in relation to the unit title development; and
- (g) details of any resource consent or heritage obligations relating to the unit title development; and
- (h) details of any warranties and guarantees for products used in the construction of the unit title development; and
- (i) details of any fire evacuation plans and fire protection systems for the unit title development; and
- (j) details of any building warrant of fitness that has been supplied under section 108 of the Building Act 2004 for the unit title development; and
- (k) details of any compliance schedule issued under section 102 of the Building Act 2004 in relation to the unit title development; and
- (l) details of existing and proposed maintenance and service contracts for the unit title development, including contractors' contact details.

### *Forms*

#### **37 Forms**

The forms set out in Schedule 2 are prescribed as the forms to be used for the general matters to which the forms relate.

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## Schedule 1

### Body corporate operational rules

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- 1 An owner or occupier of a unit must not—
  - (a) damage or deface the common property:
  - (b) leave rubbish or recycling material on the common property:
  - (c) create noise likely to interfere with the use or enjoyment of the unit title development by other owners or occupiers:
  - (d) park on the common property unless the body corporate has designated it for car parking, or the body corporate consents:
  - (e) interfere with the reasonable use or enjoyment of the common property by other owners or occupiers.
- 2 An owner or occupier of a unit must dispose of rubbish hygienically and tidily.

## **Schedule 1A**

### **Code of conduct for body corporate committee members**

r 28A

Schedule 1A: inserted, on 9 May 2023, by section 63 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

#### **1 Commitment to acquiring understanding of Act, including this code**

A member must have a commitment to acquiring an understanding of anything in this Act and the regulations, including this code of conduct, that is relevant to the member's role on the committee.

Schedule 1A clause 1: inserted, on 9 May 2023, by section 63 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

#### **2 Honesty, fairness, and confidentiality**

- (1) A member must act honestly and fairly in performing the member's duties as a committee member.
- (2) A member must not unfairly or unreasonably disclose information held by the body corporate, including information about an owner of a unit, unless authorised or required to do so by law.

Schedule 1A clause 2: inserted, on 9 May 2023, by section 63 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

#### **3 Acting in body corporate's best interests**

A member must act in the best interests of the body corporate in performing the member's duties as a committee member, unless it is unlawful to do so.

Schedule 1A clause 3: inserted, on 9 May 2023, by section 63 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

#### **4 Complying with Act and this code**

A member must comply with the Act, these regulations, including this code, and any other applicable legislation relating to matters for which the committee has responsibility in performing the member's duties as a committee member.

Schedule 1A clause 4: inserted, on 9 May 2023, by section 63 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

#### **5 Conflict of interest**

A committee member who is eligible to vote must disclose to the committee any conflict of interest the member may have in a matter before the committee.

Schedule 1A clause 5: inserted, on 9 May 2023, by section 63 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

## Schedule 1B

### Code of conduct for body corporate managers

r 28B

Schedule 1B: inserted, on 9 May 2023, by section 64 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

#### 1 Acting in body corporate's best interests

A body corporate manager must always act in the best interests of the body corporate.

Schedule 1B clause 1: inserted, on 9 May 2023, by section 64 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

#### 2 Good faith and due care and diligence

A body corporate manager must act in good faith, exercise due care and diligence, and not make improper use of the position.

Schedule 1B clause 2: inserted, on 9 May 2023, by section 64 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

#### 3 Complying with Act and this code

A body corporate manager must comply with—

- (a) all relevant requirements of the Act, these regulations, including this code, and other legislation applicable to the body corporate for which the manager has responsibility (including financial management and reporting responsibilities); and
- (b) the requirements of the Act and these regulations, including this code, applicable to body corporate managers.

Schedule 1B clause 3: inserted, on 9 May 2023, by section 64 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

#### 4 Acquiring understanding of Act and this code

A body corporate manager must acquire a good understanding of the Act, these regulations, including this code of conduct, and other legislation and issues on which they are advising, or in relation to which they are acting on behalf of, the body corporate.

Schedule 1B clause 4: inserted, on 9 May 2023, by section 64 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

#### 5 Conflicts of interest

A body corporate manager must, as soon as practicable after becoming aware of any conflict of interest, disclose the conflict of interest to the body corporate committee or, if there is no committee, to the chairperson.

Schedule 1B clause 5: inserted, on 9 May 2023, by section 64 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

**6 Significant developments and issues**

A body corporate manager must keep the body corporate informed of any significant development or issue relating to an activity that the manager performs for the body corporate.

Schedule 1B clause 6: inserted, on 9 May 2023, by section 64 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

**7 Employees of body corporate managers**

A body corporate manager must take reasonable steps to ensure that any person they employ, contract, or engage complies with the Act and these regulations.

Schedule 1B clause 7: inserted, on 9 May 2023, by section 64 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

**8 Competitive prices**

A body corporate manager must ensure that the goods and services they provide are supplied at competitive prices.

Schedule 1B clause 8: inserted, on 9 May 2023, by section 64 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

**9 Record keeping**

A body corporate manager must keep records in accordance with the requirements of the Act and these regulations applicable to—

- (a) the body corporate for which the manager has responsibility; and
- (b) the body corporate committee for which the manager has responsibility; and
- (c) body corporate managers.

Schedule 1B clause 9: inserted, on 9 May 2023, by section 64 of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

## Schedule 2

### Forms

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## Form 1

## Application to deposit unit plan

*Sections 17, 21, 24, 30, and 68, and subpart 3 of Part 4, Unit Titles Act 2010*

Applicant(s): *[full name(s) and address(es)]*

Unit plan: *[reference number]*

Address for service: *[address for service of documents on body corporate to be created by deposit of unit plan]*

Schedule of land: *[record of title number(s) of land, or record of title number of principal unit, or record of title numbers of all principal and accessory units or future development units]*

**Application**

*For paragraphs 1 and 2 select the statement that applies.*

- 1 The applicant is the registered owner/The applicants are the registered owners\* of the estate in land comprised in the record of title referred to in the schedule of land.

\*Select one.

***or***

The applicant is the body corporate of the unit title development to which the above unit plan relates.

- 2 *Omit this paragraph if it does not apply.*

The time for making an application for relief under section 210 of the Unit Titles Act 2010 has passed and no application has been made.

***or***

An application for relief under section 210 of the Unit Titles Act 2010 has been made and was withdrawn by the applicant, or the appropriate decision-maker has determined not to grant any relief.

- 3 The applicant applies/applicants apply\* to deposit the attached unit plan under section *[section number]* of the Unit Titles Act 2010.

\*Select one.

- 4 *Omit this paragraph if it does not apply.*

The utility interests assigned to the units on the attached unit plan are not the same as the ownership interests.

- 5 *Omit this paragraph if it does not apply.*

The first body corporate operational rules are set out in the attached notice of body corporate operational rules.

Date: [*day, month, year*]

Signature of applicant:

Before me:

Full name of witness:

Address of witness:

### **Notes**

Paragraph 2 only applies if you are making an application under section 21, 30, or 68 of the Unit Titles Act 2010.

If paragraph 4 applies, you must complete a notice of utility interests to show the utility interests (form 3) that have been assigned to the units.

Paragraph 5 only applies if you are lodging rules that will apply instead of the prescribed rules (*see* Schedule 1). If paragraph 5 applies, you must complete form 14.

Schedule 2 form 1: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 2 form 1: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

## Form 2

## Application to deposit amendment to unit plan

*Section 65, Unit Titles Act 2010*Applicant(s): *[full name(s) and address(es)]*Unit plan: *[reference number of plan being amended]*Schedule of land: *[record of title number(s) of land, or record of title number of principal unit, or record of title numbers of all principal and accessory units or future development units]***Application**

1 The applicant is the registered owner/The applicants are the registered owners\* of the units that will have their boundaries adjusted as a result of the proposed amendment to the unit plan.

\*Select one.

2 The applicant applies/The applicants apply\* to deposit an amendment to the unit plan.

\*Select one.

Date: *[day, month, year]*

Signature of applicant:

Before me:

Full name of witness:

Address of witness:

Schedule 2 form 2: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Form 3  
Notice of utility interests  
*Section 39(2A), Unit Titles Act 2010*

Applicant(s): [*full name(s) and address(es)*]

Unit plan: [*reference number*]

Supplementary record sheet: [*number*]

**Notice**

The applicant gives notice/The applicants give notice\* that the interests described in the schedule of utility interests have been assigned to the units on the above unit plan.

\*Select one.

**Schedule of utility interests**

*Complete the following table.*

<b>Unit number</b>	<b>Record of title number</b>	<b>Utility interests</b>
--------------------	-------------------------------	--------------------------

Date: [*day, month, year*]

Signature of applicant:

Before me:

Full name of witness:

Address of witness:

**Note**

The unit number in the schedule of utility interests must be the unit number as shown on the unit plan.

Schedule 2 form 3: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 2 form 3: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

## Form 4

## Notice of reassessment of ownership interests and utility interests

*Section 42, Unit Titles Act 2010*Unit plan: [*reference number*]Body Corporate Number: [*number*]Supplementary record sheet: [*number*]**Notice**

The body corporate gives notice that—

1 The body corporate decided by special resolution at a general meeting held on [*date*] to reassess and assign the interests described in the schedule of ownership and utility interests.

2 *Omit this paragraph if it does not apply.*

The reassessment of the ownership interests was made by a registered valuer assessing the value of each of the units relative to each other in accordance with section 41(5) of the Unit Titles Act 2010.

3 *For this paragraph select the statement that applies.*

The reassessment occurred no less than 36 months after both the date of the deposit of the unit plan and the effective date of the last reassessment (if any) of the interests described in the schedule of ownership and utility interests.

*or*

The reassessment is for the purpose of the deposit of a unit plan to subdivide a unit in the unit title development to create a subsidiary unit title development.

4 *For this paragraph select the statement that applies.*

The reassessment takes effect on [*date*], which is the date of the valuer's assessment.

*or*

The reassessment takes effect on [*date*], which is the date determined by the special resolution.

5 *For this paragraph select the statement that applies.*

The time for making an application for relief under section 210 of the Unit Titles Act 2010 has passed and no application has been made.

*or*

An application for relief under section 210 of the Unit Titles Act 2010 has been made and was withdrawn by the applicant, or the appropriate decision-maker has determined not to grant any relief.

**Schedule of ownership and utility interests**

*Complete the following table.*

---

Unit number	Record of title number	Ownership interests	Proposed ownership interests	Utility interests	Deemed utility interests
-------------	------------------------	---------------------	------------------------------	-------------------	--------------------------

Date: [*day, month, year*]

Signature of body corporate:

Before me:

Full name of witness:

Address of witness:

### Notes

Attach the valuer's assessment of ownership interests to this notice.

The unit number in the schedule of ownership and utility interests must be the unit number as shown on the unit plan.

A reassessment takes effect, and the reassessed interest or interests are assigned to each unit, on the earlier of the date (if any) determined as part of the special resolution referred to in paragraph 1 and the date of the valuer's assessment.

Schedule 2 form 4: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 2 form 4: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

## Form 5

## Certificate by registered valuer: assessment of ownership interests

*Section 32(2)(b), Unit Titles Act 2010*Unit plan: [*reference number*]Supplementary record sheet: [*number*]**Certificate**

I, [*full name*], registered valuer of [*address*], certify that I have assessed the ownership interests and proposed ownership interests (if any) for each of the units on the above unit plan in accordance with the Unit Titles Act 2010 and these are shown in the schedule of ownership interests.

**Schedule of ownership interests***Complete the following table.*

Unit number	Record of title	Ownership interest	Proposed ownership interest (if any)
-------------	-----------------	--------------------	--------------------------------------

Date: [*day, month, year*]

Signature of registered valuer:

**Note**

The unit number in the schedule of ownership interests must be the unit number as shown on the unit plan.

Schedule 2 form 5: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 2 form 5: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

Form 6

Certificate by registered valuer: assessment of ownership interests:  
redevelopment requiring amendment to unit plan

*Section 67(1)(b), Unit Titles Act 2010*

Unit plan: [*reference number*]

Body Corporate Number: [*number*]

Supplementary record sheet: [*number*]

**Certificate**

I, [*full name*], registered valuer of [*address*], certify that—

- 1 I have assessed the ownership interests for the units on the unit plan that have been enlarged or reduced by a redevelopment under section 65 of the Unit Titles Act 2010 and these are shown in the schedule of ownership interests.
- 2 The amendment to the unit plan does not affect the ownership interest of any unit the boundary of which is not being adjusted.

**Schedule of ownership interests**

*Complete the following table.*

<b>Unit number</b>	<b>Ownership interest</b>
--------------------	---------------------------

Date: [*day, month, year*]

Signature of registered valuer:

**Note**

The unit number in the schedule of ownership interests must be the unit number as shown on the unit plan.

## Form 7

Certificate by registered valuer: assessment of ownership interests:  
redevelopment requiring new unit plan*Section 69(3), Unit Titles Act 2010*Unit plan: [*reference number*]Body Corporate Number: [*number*]Supplementary record sheet: [*number*]**Certificate***Select the statement that applies.*

I, [*full name*], registered valuer of [*address*], certify that I have assessed the ownership interests of the former units on the unit plan that have been subdivided by a redevelopment under section 68 of the Unit Titles Act 2010 and these are shown in the schedule of ownership interests in accordance with section 69(3)(a) of that Act.

***or***

I, [*full name*], registered valuer of [*address*], certify that I have reassessed the ownership interests of all the units on the unit plan in accordance with a redevelopment under section 68 of the Unit Titles Act 2010 and the reassessed interests are shown in the schedule of ownership interests in accordance with section 69(3)(b) of that Act.

**Schedule of ownership interests***Complete the following table.***Unit number****Ownership interest**Date: [*day, month, year*]

Signature of registered valuer:

**Note**

The unit number in the schedule of ownership interests must be the unit number as shown on the unit plan.

Schedule 2 form 7: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

Form 8

Certificate by registered valuer: cancellation of unit plan

*Sections 177(7)(a) and 189(5)(aa), Unit Titles Act 2010*

Unit plan: [*reference number*]

Supplementary record sheet: [*number*]

**Certificate**

I, [*full name*], registered valuer of [*address*], certify that I have assessed the ownership interests and proposed ownership interests (if any) for each of the units on the above unit plan and the reassessed interests are shown in the schedule of ownership interests.

**Schedule of ownership interests**

*Complete the following table.*

<b>Unit number</b>	<b>Ownership interest</b>	<b>Proposed ownership interest (if any)</b>
--------------------	---------------------------	---

Date: [*day, month, year*]

Signature of registered valuer:

**Note**

The unit number in the schedule of ownership interests must be the unit number as shown on the unit plan.

Schedule 2 form 8: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

## Form 9

## Notice requiring principal unit owner to sign document

*Section 86(1), Unit Titles Act 2010*Name of registered unit owner: *[name]*Unit number: *[number]*Record of title number: *[number]*Body Corporate Number: *[number]***Notice**

1 The resolution set out below was passed by the body corporate/was confirmed by the court under section 215(4)(b) of the Unit Titles Act 2010\*.

\*Select one.

2 The time for making an objection to a designated resolution under section 213(3) of the Unit Titles Act 2010 has passed.

3 The time for making an application for relief under section 210 of the Unit Titles Act 2010 has passed.

4 The body corporate requires you to sign the document/attached document\* (the details of which are described below) in order to carry out the resolution.

\*Select one.

5 You should sign the document by *[date]* in accordance with the instructions recorded in this form.

6 The body corporate may sign the document on your behalf if you—

- (a) fail to sign the document within 10 working days after being served with this notice; or
- (b) refuse to sign the document.

**Resolution**

Resolution: *[Set out the text of the resolution.]*

**Document details**

Document type:

Name of parties:

Record of title number (if any):

**\*Instructions for signing document attached to notice**

*[State—*

- *whether the signature should be in the presence of a witness who should also sign the document; and*
- *the address to which the form and document should be returned; and*

- *the date by which the form and document should be returned; and*
- *any other instructions.]*

\*Omit this instruction if it does not apply.

**\*Instructions for signing document not attached to notice**

[*State—*

- *where the owner should go to sign the document; and*
- *the date by which the form and document should be signed; and*
- *any other instructions.]*

\*Omit this instruction if it does not apply.

Date: [*day, month, year*]

Signature of body corporate:

Before me:

Full name of witness:

Address of witness:

Schedule 2 form 9: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

## Form 10

Certificate by body corporate: document signed on behalf of principal unit  
owner

*Section 86(5), Unit Titles Act 2010*

Unit plan: [*reference number*]

Body Corporate Number: [*number*]

**Certificate**

The body corporate certifies that—

- 1 It has served notice under section 86(1) of the Unit Titles Act 2010 on [*full name*], requiring that person to sign the document summarised below within the time specified in that notice. The document is necessary to give effect to the resolution passed by the body corporate on [*date*] (and confirmed by the High Court under section 215(4) of that Act)\*.

\*Omit the words in brackets if they do not apply.

- 2 *Omit this paragraph if it does not apply.*

The notice described in paragraph 1 relates to a document required to be signed to give effect to a designated resolution. That notice was not served until the time for making an objection under section 213 of the Unit Titles Act 2010 had passed and—

- (a) no objections were made; or
- (b) any objections that were made were—
  - (i) withdrawn by the objecting party; or
  - (ii) resolved by the High Court confirming the resolution.

- 3 *Omit this paragraph if it does not apply.*

The notice related to a resolution for which an application for relief has been made under section 210 of the Unit Titles Act 2010. The time for making such an application has passed, and any application that was made was—

- (a) withdrawn by the applicant; or
- (b) resolved by the High Court confirming the resolution.

- 4 [*Full name*] refused to sign the document referred to in the document schedule below or failed to sign the document within the specified time, and the document was signed by the body corporate on the person's behalf under section 86(4) of the Unit Titles Act 2010.

**Document to be executed**

[*Set out details of the document, including document type, parties' names, affected units, or land and title reference.*]

Date: [*day, month, year*]

Signature of body corporate:

Before me:

Full name of witness:

Address of witness:

**Note**

This certificate must be given to the Registrar when lodging the document for registration. It should not be lodged separately.

Form 11  
Proxy appointment form

*Section 102(3), Unit Titles Act 2010*

To *[name of person authorised to receive proxy appointment forms]*

Unit plan: *[reference number]*

Body Corporate Number: *[number]*

**Proxy appointment**

We/I\*, *[full name, address]*, being the owner/owners\* of *[principal unit]* and therefore an eligible voter within the meaning of section 96(1) of the Unit Titles Act 2010, appoint *[full name]* as my/our\* proxy for the purposes of the general meeting of the body corporate to be held on *[date]*.

\*Select one.

If the general meeting is adjourned and reconvened, this proxy appointment is valid for the purposes of the reconvened meeting.

**Motions**

*Complete the following table.*

<b>Motion</b>	<b>Type of resolution</b>	<b>Direction on resolution</b>
<i>[Summarise the motion.]</i>	<i>[State whether the motion requires an ordinary or special resolution and whether, if passed, the resolution would be a designated resolution.]</i>	<i>[State if the eligible voter wishes to direct how the proxy votes on the resolution.]</i>

Date: *[day, month, year]*

Signature of eligible voter:

**Notes**

- 1 This proxy appointment expires at the end of the general meeting referred to in the form or, if that meeting is adjourned, the end of the reconvened meeting.
- 2 The full text of motions is contained in the notice of general meeting, a copy of which should be provided to the proxy.
- 3 Your proxy may not vote unless all body corporate levies, and other amounts that are owing in respect of your unit, have been paid.
- 4 If the unit owner is a body corporate or an unincorporated body, the representative (recorded in the register of unit owners) of the unit owner must sign the form.
- 5 If the unit is owned by more than 1 person, every owner must sign the form.

- 6 If the unit is owned by more than 1 person, one of the unit owners may be appointed as proxy.

Schedule 2 form 11: amended, on 9 May 2023, by section 65(1) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Form 12  
Postal voting form

*Section 103, Unit Titles Act 2010*

To *[name of person authorised to receive postal voting forms]*

Unit plan: *[reference number]*

Body Corporate Number: *[number]*

### Instructions

You are entitled to vote at the body corporate meeting to be held on *[date, place]* by casting a postal vote. The motions to be decided at the meeting are summarised in the table below and more particularly set out in the notice of meeting. If you intend to cast a postal vote, you must indicate your vote in the final column of the table and return the form to *[name of person authorised to receive and count postal votes]* so that it is received by *[date]*.

### Postal vote

We/I\*, *[full name, address]*, being the owner/owners\* of *[unit number]* and therefore an eligible voter within the meaning of section 96(1) of the Unit Titles Act 2010, intend to cast the following postal vote(s) at the meeting of the body corporate to be held on *[date, place]*.

\*Select one.

### Motions

*Complete the following table.*

<b>Motion</b>	<b>Type of resolution</b>	<b>Instructions on voting procedure</b>	<b>Vote</b>
<i>[Summarise the motion.]</i>	<i>[State whether the motion requires an ordinary or special resolution and whether, if passed, the resolution would be a designated resolution.]</i>	<i>[Include information on voting procedure in relation to any of the motions if necessary.]</i>	<i>[Indicate in the case of each motion whether you vote for, or against, the motion, or that you wish to abstain.]</i>

If the general meeting is adjourned and reconvened, this postal vote is valid for the purposes of the reconvened meeting.

Date:

Signature of eligible voter:

### Notes

- 1 The body corporate completes the instructions section and the text of the motions. You should complete the postal vote section and the vote section.

- 2 Your postal vote will not be counted if any body corporate levies, or other amounts that are payable in respect of your unit, are outstanding.
- 3 If a poll is requested, your ownership interest will be counted as part of the poll. If no poll is requested, your postal vote will be counted as 1 vote. You cannot request a poll.
- 4 If at the general meeting of the body corporate the wording of a motion is materially altered, your postal vote in relation to that motion will not be counted. It is the responsibility of the chairperson to decide what constitutes a material alteration. If you are concerned that your postal vote may not be counted as a result of an amendment to a motion, you should consider appointing a proxy to attend and vote at the meeting on your behalf.
- 5 If a quorum is not present at the general meeting of the body corporate, and regulation 13(1) of the Unit Titles Regulations 2011 does not apply, the meeting will be adjourned until the same day 1 week later and your postal vote will be counted at that meeting.
- 6 If the unit owner is a body corporate or an unincorporated body, the form must be signed by the representative (recorded in the register of unit owners) of the unit owner.
- 7 If the unit is owned by more than 1 person, every owner or his or her authorised representative must sign the form.

## Form 13

## Notice of resolution to be decided without general meeting

*Section 104, Unit Titles Act 2010*To [*name of eligible voter*]Unit plan: [*reference number*]Body Corporate Number: [*number*]**Instructions**

- 1 The attached resolution is to be decided by the body corporate without a general meeting.
- 2 You are entitled to vote in favour of, or against, the resolution. If you are in favour, you should sign the resolution and return it to [*full name, address*] so that it is received by [*date*]. If you are against the resolution, you should not sign it or return it.
- 3 An ordinary resolution must be signed by a majority of eligible voters, and a special resolution must be signed by 75% of eligible voters, in order to be passed.
- 4 No poll can be requested in relation to the resolution.

Date: [*day, month, year*]

Signature of body corporate:

Schedule 2 form 13: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

Form 14  
Notice of body corporate operational rules

*Section 105, Unit Titles Act 2010*

Applicant(s): *[full name(s) and address(es)]*

Unit plan: *[reference number]*

Supplementary record sheet: *[number]*

**Notice**

The body corporate for the unit title development created by the deposit of the above unit plan will be subject to the operational rules set out in the schedule of body corporate operational rules.

**Schedule of body corporate operational rules**

*[Set out the body corporate operational rules that are to apply when the body corporate is created.]*

Date: *[day, month, year]*

Signature of applicant:

Before me:

Full name of witness:

Address of witness:

Form 15  
Notice of change to body corporate operational rules

*Section 106, Unit Titles Act 2010*

Unit plan: [*reference number*]

Body Corporate Number: [*number*]

Supplementary record sheet: [*number*]

**Notice**

The body corporate gives notice that the body corporate operational rules are changed as specified in the schedule of amendments.

The changes have been made in accordance with an ordinary resolution at the body corporate general meeting held on [*date*].

**Schedule of amendments**

[*Set out amendments, revocations, or additions to the body corporate operational rules.*]

Date: [*day, month, year*]

Signature of body corporate:

Before me:

Full name of witness:

Address of witness:

**Note**

Only amendments or additions to the body corporate operational rules that relate to those matters mentioned in section 106(1)(a) and (b) of the Unit Titles Act 2010 may be made. Any amendment or addition must comply with section 106(2) and (4) of that Act.

Form 16  
Notice of change to body corporate's address for service  
*Section 205, Unit Titles Act 2010*

Unit plan: [*reference number*]

Body Corporate Number: [*number*]

Supplementary record sheet: [*number*]

**Notice**

The body corporate gives notice that the body corporate's address for service has changed to [*set out new address for service*].

The change has been made in accordance with an ordinary resolution at the body corporate general meeting held on [*date*].

Date: [*day, month, year*]

Signature of body corporate:

Before me:

Full name of witness:

Address of witness:

## Form 17

## Financial statement

*Section 132, Unit Titles Act 2010*Body Corporate Number: [*number*]**Financial statement**This financial statement relates to the financial year ending [*date*].**Statement of financial position***[Set out the statement of the liquid assets and liabilities of the body corporate.]***Income and expenditure***[Set out the body corporate's income and expenditure during the financial year. Include all income (for example, any interest earned).]***Other matters***[Set out any other matters that the body corporate has decided, by ordinary resolution, to include in the financial statement.]***Explanatory notes***[Set out any additional explanatory material (for example, whether amounts are inclusive of goods and services tax, or whether amounts are calculated on an accruals basis).]*Date: [*day, month, year*]

Form 18  
Pre-contract disclosure statement

*[Revoked]*

Schedule 2 form 18: revoked, on 9 May 2023, by section 65(2) of the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19).

Form 19  
Turn-over disclosure statement  
*Section 156, Unit Titles Act 2010*

Property: *[address]*

Body Corporate Number: *[number]*

**Turn-over disclosure statement**

1 This turn-over disclosure statement is provided in accordance with section 156(1) of the Unit Titles Act 2010.

2 *[Set out the following information:*

- *the date on which the control period ended:*
- *details of any as-built plans and specifications of the unit title development:*
- *the assets of the body corporate:*
- *the liabilities of the body corporate:*
- *details (rent, term, and rights of renewal) of any lease or licence granted over the common property:*
- *details of any code compliance certificates that have been issued under the Building Act 2004 in relation to the unit title development:*
- *details of any recommended maintenance schedules for construction materials and infrastructure in relation to the unit title development:*
- *details of any resource consent or heritage obligations relating to the unit title development:*
- *details of any warranties and guarantees for products used in the construction of the unit title development:*
- *details of fire evacuation plans and fire protection systems for the unit title development:*
- *details of any building warrant of fitness that has been supplied under section 108 of the Building Act 2004 for the unit title development:*
- *details of any compliance schedule issued under section 102 of the Building Act 2004 in relation to the unit title development:*
- *information about existing and proposed maintenance and service contracts for the unit title development, including contractors' contact details.]*

Date: *[day, month, year]*

Signed:

Form 20  
Application to cancel unit plan  
*Section 177, Unit Titles Act 2010*

Unit plan: [*reference number*]

Body Corporate Number: [*number*]

Supplementary record sheet: [*number*]

Schedule of land: [*record of title number(s) of land, or record of title number of principal unit, or record of title numbers of all principal and accessory units or future development units*]

**Application**

1 The body corporate has agreed by special resolution that the unit plan should be cancelled.

1A *Omit this paragraph if it does not apply.*

The body corporate has agreed by special resolution not to reassess the ownership interests and proposed ownership interests (if any).

2 A copy of the draft of this application has been served on—

(a) every unit owner; and

(b) every person who has a registered interest in, or caveat or notice of claim entered on the register over, any unit or the common property.

3 *Omit this paragraph if it does not apply.*

Notice of the resolution referred to in paragraph 1 and a copy of the draft of this application have been served on the lessor of the base land.

4 [*Revoked*]

5 The body corporate applies to the Registrar under section 177 of the Unit Titles Act 2010 to cancel the unit plan.

Date: [*day, month, year*]

Signature of body corporate:

Before me:

Full name of witness:

Address of witness:

Schedule 2 form 20: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 2 form 20: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

## Form 21

## Notice of application to High Court to cancel unit plan

*Sections 165(2)(b) and 187(2), Unit Titles Act 2010***To** *[full name(s) and address(es) of persons in section 187(2) of Unit Titles Act 2010]*Applicant(s): *[full name, address, and capacity (ie, unit owner, body corporate, lessor, or administrator) of each applicant]*High Court application number: *[number]*Unit plan: *[reference number]*Body Corporate Number: *[number]*Supplementary record sheet: *[number]*Schedule of land: *[record of title number(s) of land, or record of title number of principal unit, or record of title numbers of all principal and accessory units or future development units]***Notice**

The applicant gives/The applicants give\* notice under section 187(2) of the Unit Titles Act 2010 that an application has been made to the High Court to cancel the unit plan.

\*Select one.

Date: *[day, month, year]*

Signature of applicant:

Before me:

Full name of witness:

Address of witness:

Schedule 2 form 21: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Form 22

Notice that application to cancel unit plan is not proceeding

*Sections 165(2)(b) and 187(4), Unit Titles Act 2010*

Applicant(s): [*full name(s) and address(es)*]

High Court application number: [*number*]

Unit plan: [*reference number*]

Body Corporate Number: [*number*]

Supplementary record sheet: [*number*]

**Application**

*Select the paragraph that applies.*

The applicant gives/The applicants give\* notice under section 187(4) of the Unit Titles Act 2010 that the application to the High Court for cancellation of the unit plan is not proceeding.

\*Select one.

***or***

The applicant gives/The applicants give\* notice under section 187(4) of the Unit Titles Act 2010 that the High Court has refused to make a declaration authorising the cancellation of the unit plan.

\*Select one.

Date: [*day, month, year*]

Signature of applicant:

Before me:

Full name of witness:

Address of witness:

Schedule 2 form 22: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

## Form 23

## Application for cancellation of unit plan following declaration of High Court

*Sections 165(3) and 189, Unit Titles Act 2010*

Applicant(s): *[full name(s) and address(es)]*

High Court application number: *[number]*

Unit plan: *[reference number]*

Body Corporate Number: *[number]*

Supplementary record sheet: *[number]*

Schedule of land: *[record of title number(s) of land, or record of title number of principal unit, or record of title numbers of all principal and accessory units or future development units]*

**Application**

- 1 The High Court made a declaration under section 188 of the Unit Titles Act 2010 authorising the cancellation of the unit plan on *[date]*. A copy of the declaration accompanies this application.
- 2 The applicant applies/The applicants apply\* to the Registrar under section 189 of the Unit Titles Act 2010 to cancel the unit plan.  
\*Select one.
- 3 All conditions and directions imposed or given by the High Court have been complied with. A certificate to this effect accompanies this application.
- 4 *Select this paragraph if the lessor is the applicant (see section 165(3) of the Unit Titles Act 2010).*

This application is made within 6 months after the date in paragraph 1.

Date: *[day, month, year]*

Signature of applicant:

Before me:

Full name of witness:

Address of witness:

Schedule 2 form 23: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 2 form 23: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

Form 23A

Certificate by applicant: cancellation of unit plan following declaration of  
High Court

*Section 189(3)(c), Unit Titles Act 2010*

Applicant(s) for cancellation of unit plan following declaration of the High Court:  
[*full name(s) and address(es)*]

High Court application number: [*number*]

Unit plan: [*reference number*]

Body Corporate Number: [*number*]

Supplementary record sheet: [*number*]

Schedule of land: [*computer register number(s) of land, or computer register number  
of principal unit, or computer register numbers of all principal and accessory units or  
future development units*]

**Certificate**

The applicant certifies that all conditions and directions imposed or given by the High  
Court (if any) have been complied with.

Date: [*day, month, year*]

Signature of applicant:

Before me:

Full name of witness:

Address of witness:

Schedule 2 form 23A: inserted, on 30 May 2017, by regulation 9(1) of the Unit Titles Amendment  
Regulations 2017 (LI 2017/97).

## Form 24

## Notice of intention to convert existing scheme into unit titles

*Section 195(1), Unit Titles Act 2010***To** *[full name(s), address(es) of persons in section 195(1) of Unit Titles Act 2010]*Registered owner(s): *[name(s) and address(es) of flat or office owning company or registered owners of cross-leases]*Schedule of land: *[record of title number(s) for the fee simple; all registered licences (in the case of flat or office owning company); and all records of title for leases and fee simple shares (in the case of cross-leases)]***Notice**1 *For this paragraph select the statement that applies.*

It is the intention of at least 75% of the members of the company/the owners\* to subdivide the whole of the land described in the schedule of land in accordance with the Unit Titles Act 2010.

**or**

The High Court has ordered under section 193 of the Unit Titles Act 2010 that all necessary steps be taken by the members of the company/the owners\* to subdivide the land described in the schedule of land in accordance with that Act. A sealed copy of the order accompanies this notice.

\*Select one.

2 The registered owner gives/The registered owners give\* notice under section 195 of the Unit Titles Act 2010 that all necessary steps will be taken to subdivide the land unless, not later than 1 month after the date on which notice is given to the Registrar, a caveat forbidding the subdivision is lodged with the Registrar under the Land Transfer Act 2017 by any person claiming an estate or interest in the land or shares in the company.

\*Select one.

**List of notice recipients***Complete the following table.***Name and address of person served****Advice of delivery/evidence of service**Date: *[day, month, year]*

Signature of applicant:

Before me:

Full name of witness:

Address of witness:

### **Documents required**

You are required to supply a sealed copy of the order in any case where an order has been made with this notice when notifying the Registrar, and the Registrar of Companies (if applicable).

### **Note**

You should carry out a search against any of the records of title in the schedule of land to identify the date on which the Registrar received notice under paragraph 2. The 1-month period referred to in that paragraph will commence on the day following that date.

Schedule 2 form 24: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Form 25  
Caveat forbidding subdivision of land

*Section 195(3), Unit Titles Act 2010*

Caveator: *[full name]*

Schedule of land: *[copy the details contained in the schedule of land on the notice of intention to convert existing scheme into unit titles]*

**Particulars of notice**

I have received a notice of intention to subdivide land under subpart 3 of Part 4 of the Unit Titles Act 2010. A copy of that notice is attached to this form.

**Estate or interest claimed and ground(s) for claim**

*[State the nature of the estate or interest claimed in the land and the ground(s) on which it is claimed (eg, whether it is based on shares and, if so, how many).]*

**Caveat**

The caveator forbids the subdivision of the land described in the schedule of land.

**Address for service of caveator**

*[Address to or at which notices may be sent or served]*

**Address for service of registered owner**

*[Address to or at which notices may be sent or served]*

Date: *[day, month, year]*

Signature of caveator:

Before me:

Full name of witness:

Address of witness:

Schedule 2 form 25: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Form 26  
Notice of designated resolution

*Section 213(1), Unit Titles Act 2010*

To [full name(s) and address(es) of the persons in section 213(1) of the Unit Titles Act 2010]

Unit plan: [reference number]

Body Corporate Number: [number]

**Notice**

- 1 The body corporate passed the resolution set out below at a general meeting on [date]. The minutes of the meeting are attached.
- 2 The resolution is a designated resolution within the meaning of section 212([paragraph number]) of the Unit Titles Act 2010.
- 3 If you object to the resolution, you may give written notice to the body corporate at [address] of your objection within 28 days of receiving this notice. Notice of objection forms are available from the Ministry of Business, Innovation, and Employment.
- 4 A notice of objection must not relate to an easement or a covenant of a kind that will, under section 180(2)(b) or (c) or 181(2)(b) of the Unit Titles Act 2010, continue after cancellation of the unit plan.

**Resolution**

[Set out the text of the resolution.]

Date: [day, month, year]

Signature of body corporate:

Before me:

Full name of witness:

Address of witness:

**Note**

If a matter involves more than 1 designated resolution, the body corporate must complete a notice of designated resolution for each designated resolution.

Schedule 2 form 26: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

Form 27  
Notice of objection to designated resolution

*Section 213(3), Unit Titles Act 2010*

To: Body Corporate Number [*number*]

Unit plan: [*reference number*]

Body Corporate Number: [*number*]

Objector: [*full name, address, and status (eg, unit owner, a person who has a registered interest in, or a caveat or notice of claim entered on the register over, any unit or common property)*]

**Notice**

1 The body corporate served a notice on me on [*date*] informing me that it had passed a designated resolution within the meaning of section 212([*paragraph number*]) of the Unit Titles Act 2010 at a general meeting on [*date*].

2 I give notice that I object to the resolution, set out below, on the basis that [*specify reasons and whether objection is to entire resolution or to 1 or more parts of it*], and I intend to apply to the appropriate decision-maker for relief.

*Select the paragraph(s) that apply.*

3 I confirm that section 213(4) of the Unit Titles Act 2010 does not apply.

4 *For this paragraph select the statement that applies.*

I confirm that section 213(5) of the Unit Titles Act 2010 does not apply.

**or**

I confirm that I have withdrawn my application under subpart 1 of Part 4 of the Unit Titles Act 2010.

**Resolution**

[*Set out the text of the resolution.*]

Date: [*day, month, year*]

Signature of applicant:

Before me:

Full name of witness:

Address of witness:

**Note**

If you object to more than 1 designated resolution, complete a notice of objection for each.

Schedule 2 form 27: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

## Form 28

## Certificate by territorial authority: deposit of unit plan

*Section 32(2)(a), Unit Titles Act 2010*Unit plan: [*reference number*]**Certificate**

- 1 I, [*full name*], an authorised officer of the [*name*] Council, am authorised to make this certification.
- 2 I certify that—
  - (a) every building (if any) shown on the unit plan has been erected, and all other development work has been carried out, to the extent necessary to enable all the boundaries of every unit and the common property shown on the plan to be physically measured; and
  - (b) every principal unit shown on the unit plan conforms to the definition of principal unit in section 7 of the Unit Titles Act 2010.
- 3 *Include this paragraph only where the certificate is given in respect of a stage or complete unit plan.*

I certify that the unit plan is consistent with the proposed unit development plan [*reference number*].

Date: [*day, month, year*]

Signature of authorised officer:

Form 29

Certificate by territorial authority: redevelopment requiring amendment to unit  
plan

*Sections 32(2)(a) and 65, Unit Titles Act 2010*

Unit plan: [*reference number of plan being amended*]

Body Corporate Number: [*number*]

**Certificate**

- 1 I, [*full name*], an authorised officer of the [*name*] Council, am authorised to make this certification.
- 2 I certify that—
  - (a) every building (if any) shown on the amendment to the unit plan has been erected, and all other development work has been carried out, to the extent necessary to enable all the boundaries of every unit and the common property shown on the amendment to the unit plan to be physically measured; and
  - (b) every principal unit (if any) shown on the amendment to the unit plan conforms to the definition of principal unit in section 7 of the Unit Titles Act 2010.

Date: [*day, month, year*]

Signature of authorised officer:

## Form 30

## Certificate by body corporate: consent to easements and covenants

*Section 63(6), Unit Titles Act 2010*Unit plan: [*reference number*]Body Corporate Number: [*number*]Supplementary record sheet: [*number*]**Certificate**

The body corporate certifies that it has consented to the dealing/dealings\* summarised in the schedule by special resolution dated [*date*] in accordance with section 63(4) of the Unit Titles Act 2010.

\*Select one.

**Schedule**

<b>Dealing type</b>	<b>Reference on plan</b>	<b>Burdened land</b>	<b>Benefitting land or grantee</b>
[Specify the type of dealing, for example, easement or variation of easement (see section 63(1) to (3).]	[Insert the number or letter (if any) identifying the affected part of the burdened land on the relevant plan (for example, area A or B).]	[Describe the burdened land (for example, Unit 1 DP 12345) and any record of title issued for it.]	[Describe the grantee (if in gross), or the benefiting land (for example, Lot 1 DP 56789) and any computer register issued for it.]

Date: [*day, month, year*]

Signature of body corporate:

Before me:

Full name of witness:

Address of witness:

Schedule 2 form 30: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Form 31

Certificate by body corporate: redevelopment requiring amendment to unit  
plan

*Section 65(4), Unit Titles Act 2010*

Unit plan: [*reference number of plan being amended*]

Body Corporate Number: [*number*]

Supplementary record sheet: [*number*]

**Certificate**

The body corporate certifies that the redevelopment proposed by the owners of units [*specify unit numbers*] on the above unit plan under section 65 of the Unit Titles Act 2010 is of a kind described in subsection (1) of that section in that—

- (a) the redevelopment consists solely of an adjustment to the boundaries between the units referred to above; and
- (b) the adjustment does not—
  - (i) affect the common property; or
  - (ii) materially affect the use, enjoyment, or ownership interest of any unit the boundary of which is not being adjusted; or
  - (iii) change the number of units.

Date: [*day, month, year*]

Signature of body corporate:

Before me:

Full name of witness:

Address of witness:

Schedule 2 form 31: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

Form 32  
Certificate of expiry of lease  
*Section 166(3), Unit Titles Act 2010*

Unit plan: [*reference number*]

Records of title: [*lease number and computer register number for stratum leasehold and fee simple*]

Name of party/parties\*: [*name of lessor or names of persons who are together entitled to exercise more than 25% of the votes on an ordinary resolution of the body corporate*]

\*Select one.

**Certificate**

I/We\*, [*full name(s)*], certify that—

1     *For this paragraph select the statement that applies.*

I am/We are\* the lessor(s) under the above lease.

***or***

I am/We are together\* entitled to exercise more than 25% of the votes in an ordinary resolution of the body corporate in respect of the units on the above unit plan.

\*Select one.

2     The term of the above lease (and any extended or renewed term) has expired.

3     Notice has been given to the body corporate under section 166(4) of the Unit Titles Act 2010.

Date: [*day, month, year*]

\*Signature of lessor(s) or party/parties:

Before me:

Full name of witness:

Address of witness:

\*Select one.

Schedule 2 form 32: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Form 33

Certificate by body corporate: designated resolution procedure

*Section 216(1), Unit Titles Act 2010*

Unit plan: [*reference number*]

Body Corporate Number: [*number*]

Supplementary record sheet: [*number*]

**Certificate**

The body corporate certifies that—

- 1 The designated resolution of the body corporate relating to [*specify relevant process and section(s), for example, a subdivision of a principal unit under section 20 of the Unit Titles Act 2010 or the granting of an easement over common property under section 62 of that Act*] has been passed.
- 2 Every person required to be served with a notice of designated resolution has been served.
- 3 *For this paragraph select the statement that applies.*  
No objection has been made.  
**or**  
An objection was made but the person making the objection did not file the objection in court within the time prescribed by section 214(2) of the Unit Titles Act 2010.  
**or**  
An objection was made but the appropriate decision-maker confirmed the resolution or confirmed the resolution subject to terms and conditions.
- 4 [*Provide any additional certification required (see sections 30(8), 56(5), 62(6), 69(6), and 177(6) of the Unit Titles Act 2010).*]

Date: [*day, month, year*]

Signature of body corporate:

Before me:

Full name of witness:

Address of witness:

**Note**

This certificate must only be lodged with the Registrar together with a required document. It should not be lodged separately.

If a matter involves more than 1 designated resolution, the body corporate must complete a certificate in relation to each designated resolution.

Schedule 2 form 33: amended, on 30 May 2017, by regulation 9(2) of the Unit Titles Amendment Regulations 2017 (LI 2017/97).

Rebecca Kitteridge,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 12 May 2011.

## Notes

### **1** *General*

This is a consolidation of the Unit Titles Regulations 2011 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 (2022 No 19): Part 2 subpart 2

Land Transfer Act 2017 (2017 No 30): section 250

Unit Titles Amendment Regulations 2017 (LI 2017/97)