

ST SMA Act: do current rules still apply

By [Michael Bauer](#)

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Many in sectional title schemes might be wondering whether current rules being used by their schemes remain in force now that the Sectional Title Schemes Management Act has come into effect.



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The answer is simple, if the developer or body corporate had implemented or changed any of their rules prior to 1 June 1988, then they remain in force as long as they do not clash or contradict any prescribed new management rule (now called regulations) in the ST SMA.

Section 10 (11) of the ST SMA says that properly constituted rules that were altered under the ST Act are considered to be valid under the ST SMA as well. Pre-existing rules that were changed to suit particular schemes remain and continue to remain in force and will be supplemented by corresponding rules in the conduct rules and the ST SMA.

New bodies corporate must comply with new regulations

From now on, however, according to Section 10 of the ST SMA, new bodies corporate when establishing their rules must comply with the new regulations, management, administration, use and enjoyment of sectional and common property within their schemes.

Included in these will be the management rules and conduct rules which must first be sent to the chief ombud, who will examine and approve the rules of each scheme. Changes to any rules in sectional title schemes must also first be submitted to chief ombud to approve. If the ombud approves changes to rules, they will issue a certificate to that effect, which should be kept within a central file with a copy of the rules.

It is also asked where the rules of each scheme will now be kept for safekeeping, as they were prior to the STSMA coming into effect kept at the Deeds Offices of each region. They will in future be held at the Community Scheme's Ombud Service's offices nationally and CSOS will provide access to whomever needs to see them at any given time.

Evaluating and receiving certificates of rules might take some time to process, so bodies corporate should submit these for assessment as early as possible, to avoid delays in the implementation of any changes.

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