



## Unit Titles Amendment Regulations 2017

Rt Hon Dame Sian Elias, Administrator of the Government

### Order in Council

At Wellington this 15th day of May 2017

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under section 217 of the Unit Titles Act 2010 on the advice and with the consent of the Executive Council.

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**Schedule 2**  
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5

**Regulations**

**1 Title**

These regulations are the Unit Titles Amendment Regulations 2017.

**2 Commencement**

These regulations come into force on 30 May 2017.

**3 Principal regulations**

These regulations amend the Unit Titles Regulations 2011 (the **principal regulations**).

**4 Regulation 7 amended (Notice of intention to hold extraordinary general meeting for purpose of election)**

After regulation 7(4), insert:

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

**5 Regulation 8 amended (Notice of extraordinary general meeting)**

- (1) In the heading to regulation 8, after “**meeting**”, insert “**(other than one to which regulation 8A applies)**”.
- (2) In regulation 8(1), after “date of an extraordinary general meeting”, insert “(other than an extraordinary general meeting required by section 89A of the Act)”.

**6 New regulation 8A inserted (Notice of extraordinary general meeting required by section 89A of Act)**

After regulation 8, insert:

**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.

**7 Regulation 9 amended (Extraordinary general meetings: emergencies)**

In regulation 9, replace “regulations 7 and 8” with “any of regulations 7, 8, and 8A”.

**8 Regulation 21 amended (Body corporate operational rules)**

In regulation 21, replace “section 105(1)” with “section 105(2)(a)”.

**9 Schedule 2 amended**

- (1) In Schedule 2, after form 23, insert the form 23A set out in Schedule 1 of these regulations.
- (2) Amend the forms in Schedule 2 as set out in Schedule 2 of these regulations.

**Schedule 1**  
**Amendment to Schedule 2: new form**

r 9(1)

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

### Amendments to Schedule 2: existing forms

r 9(2)

#### Form 1

In form 1, paragraph 4, replace “fixed in relation” with “assigned”.

In form 1, after paragraph 4, insert:

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.

In form 1, under the heading “Notes”, replace “fixed for” with “assigned to”.

In form 1, under the heading “Notes”, after “for the units.”, insert:

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.

#### Form 3

In form 3, replace “Section 39(2)” with “Section 39(2A)”.

In form 3, replace “fixed in relation” with “assigned”.

#### Form 4

In form 4, delete “Select any of paragraphs 1 to 3 that apply.”

In form 4, paragraph 1, after “reassess”, insert “and assign”.

In form 4, replace paragraphs 2 and 3 with:

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.

In form 4, paragraph 4, replace “day of the reassessment” with “date of the valuer’s assessment”.

In form 4, under the heading “Notes”, replace “A reassessment takes effect on the earlier of the date determined as part of the special resolution referred to in paragraph 1 or the date of reassessment.” with “A reassessment takes effect, and the reassessed

**Form 4—continued**

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."

**Form 5**

In form 5, delete "*and (3)(b)*".

**Form 7**

In form 7, replace "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 these" with "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".

**Form 8**

In form 8, replace "*Section 177(7)*" with "*Sections 177(7)(a) and 189(5)(aa)*".

In form 8, replace "reassessed" with "assessed".

In form 8, replace "these are shown" with "the reassessed interests are shown".

**Form 13**

In form 13, paragraph 3, replace "not less than 50%" with "a majority".

**Form 20**

In form 20, after paragraph 1, insert:

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).

In form 20, paragraph 3, after "resolution", insert "referred to in paragraph 1".

In form 20, revoke paragraph 4.

**Form 22**

In form 22, replace "*Section 187(4)*," with "*Sections 165(2)(b) and 187(4)*,".

**Form 23**

In form 23, replace "*Section 189*," with "*Sections 165(3) and 189*,".

In form 23, paragraph 3, after "with.", insert "A certificate to this effect accompanies this application."

In form 23, replace paragraph 4 with:

**Form 23**—*continued*

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.

**Form 26**

In form 26, paragraph 3, after “this notice.”, insert “Notice of objection forms are available from the Ministry of Business, Innovation, and Employment.”

In form 26, replace paragraph 4 with:

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.

In form 26, under the heading “**Note**”, replace “Notice of objection forms are available from the Department of Building and Housing.” with “If a matter involves more than 1 designated resolution, the body corporate must complete a notice of designated resolution for each designated resolution.”

**Form 27**

In form 27, paragraph 2, after “the resolution”, insert “, set out below.”.

In form 27, paragraph 4, delete “section 210 or”.

In form 27, above the signature block, insert:

**Resolution**

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

In form 27, after the signature block, insert:

**Note**

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

**Form 31**

In form 31, replace paragraph (b) with:

- (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.

**Form 33**

In form 33, under the heading “**Note**”, after “lodged separately.”, insert:

**Form 33**—*continued*

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

Michael Webster,  
Clerk of the Executive Council.

### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which are made under the Unit Titles Act 2010 (the **Act**) and amend the Unit Titles Regulations 2011 (the **principal regulations**), come into force on 30 May 2017.

These regulations—

- amend the principal regulations to set out the requirements for calling and holding extraordinary general meetings that are required by section 89A of the Act (as inserted by the Regulatory Systems (Building and Housing) Amendment Act 2017). Section 89A requires that an extraordinary general meeting be held if the chairperson receives a notice, signed by the unit owners of not less than 25% of the principal units, asking for an extraordinary general meeting to consider and decide motions proposed in the notice:
- make changes to the forms set out in Schedule 2 of the principal regulations that are technical or consequential on changes made to the Act by the Regulatory Systems (Building and Housing) Amendment Act 2017 and (to a lesser degree) by the Unit Titles Amendment Act 2013:
- insert a new form into Schedule 2 of the principal regulations for the new certificate required by section 189(3)(c) of the Act (as inserted by the Regulatory Systems (Building and Housing) Amendment Act 2017).

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 18 May 2017.

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