



Unit Titles Regulations 2011

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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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
 - (d) any other document that the body corporate or chairperson (as the case may be) considers relevant.

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.

8 Notice of extraordinary general meeting

- (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 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.

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 regulations 7 and 8, provided that the chairperson or body corporate committee makes reasonable efforts to notify every unit owner of the meeting.

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
 - (b) consent to the nomination.
- (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.

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 practicable 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(1) of the Act.

*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 members the body corporate committee must have and the number of members required to constitute a quorum; and
 - (b) elect the 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) Except as provided in subclause (5), a candidate for election as a committee member must—
 - (a) be nominated by another unit owner in the unit title development; and
 - (b) consent to the nomination.
- (4) If a candidate for election as a committee member is not a natural person, the candidate must nominate a director to act as a committee member on the candidate's behalf.
- (5) A candidate for election as a committee member may nominate himself or herself.
- (6) A committee member must be—
 - (a) the owner of a principal unit in the unit title development; or
 - (b) a director who has been nominated under subclause (4).
- (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.

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

- (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.

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.
- (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.
- (4) If the chairperson of a body corporate is not a committee member, he or she is entitled to attend and be heard at a body corporate committee meeting, but not to vote.
- (5) The body corporate committee must provide copies of the minutes of its meetings to a unit owner in the unit title development if the unit owner requests them.

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 during the period covered by the report; and
 - (b) an update on the fulfilment of those duties or the exercise of those powers by the committee.

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**

The following information is prescribed for the purposes of section 146(2) of the Act (which requires a pre-contract disclosure statement to be in the prescribed form and to contain the prescribed information):

- (a) the amount of the contribution levied by the body corporate under section 121 of the Act in respect of the unit being sold; and
- (b) the period covered by such contribution; and
- (c) 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; and

- (d) the balance of every fund or bank account held or operated by the body corporate at the date of the last financial statement; and
- (e) whether the unit or the common property is, or has been, the subject of a claim under the Weathertight Homes Resolution Services Act 2006 or any other civil proceedings relating to water penetration of the buildings in the unit title development; and
- (f) an explanation of the following:
 - (i) unit title property ownership; and
 - (ii) unit plans; and
 - (iii) ownership and utility interests; and
 - (iv) body corporate operational rules; and
 - (v) the information required to be contained in a pre-settlement disclosure statement; and
 - (vi) the information required to be contained in an additional disclosure statement; and
 - (vii) computer registers; and
 - (viii) the land information memorandum issued under section 44A of the Local Government Official Information and Meetings Act 1987; and
 - (ix) easements and covenants; and
- (g) how to obtain further information about the matters referred to in paragraph (f); and
- (h) an estimate of the cost of providing an additional disclosure statement.

34 Pre-settlement disclosure statement

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):

- (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
- (m) whether there have been any changes to the body corporate operational rules since—
 - (i) the additional disclosure statement, if one has been provided; or
 - (ii) the pre-contract disclosure statement.

35 Additional disclosure statement

The following information is prescribed for the purposes of section 148(4) of the Act (which requires an additional disclosure statement to contain the prescribed information):

- (a) the contact details for the body corporate and body corporate committee (if any); and
- (b) the balance of every fund or bank account held or operated by the body corporate at the date of the last financial statement; and
- (c) amounts due under invoices to be paid by the body corporate at the date the additional disclosure statement is requested; and
- (d) details of regular expenses that are incurred at least once a year; and
- (e) amounts owed to the body corporate at the date the additional disclosure statement is requested; and

- (f) the following details of every current insurance policy held by the body corporate:
 - (i) the name of the insurer; and
 - (ii) the type of policy; and
 - (iii) the amount of the current premium; and
 - (iv) the amount of any excess payable under the policy; and
- (g) the following details of every current contract entered into by the body corporate:
 - (i) the names of the parties; and
 - (ii) the goods or services to be provided under the contract; and
 - (iii) the price at which the goods or services are to be provided; and
 - (iv) the term of the contract; and
- (h) information about every lease to which the base land is subject; and
- (i) the text of motions voted on at the last general meeting and whether each motion was passed or not; and
- (j) whether the body corporate's operational rules are different from the prescribed body corporate operational rules, and if so, what the differences are; and
- (k) a summary of the long-term maintenance plan, including—
 - (i) details of maintenance to be carried out; and
 - (ii) details of maintenance carried out in the last year; and
 - (iii) whether there is a long-term maintenance fund; and
 - (iv) if there is a long-term maintenance fund,—
 - (A) the amount determined by the body corporate that has been, or will be, levied during the term of the long-term maintenance plan to maintain the fund; and
 - (B) whether the current balance of the fund is projected to be sufficient to meet the body corporate's obligations under the plan.

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.

Schedule 1

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Body corporate operational rules

- 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 2

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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: *[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]*

Application

For paragraphs 1 and 2 select the statement that applies.

- 1 The applicant is the registered proprietor/The applicants are the registered proprietors* of the estate in land comprised in the computer register 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.

Form 1—*continued*

- 4 *Omit this paragraph if it does not apply.*
The utility interests fixed in relation to the units on the attached unit plan are not the same as the ownership interests.

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 fixed for the units.

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: *[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]***Application**

1 The applicant is the registered proprietor/The applicants are the registered proprietors* 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:

Form 3
 Notice of utility interests
Section 39(2), 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 fixed in relation to the units on the above unit plan.

*Select one.

Schedule of utility interests

Complete the following table.

Unit number	Computer register number	Utility interests
-------------	--------------------------	-------------------

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.

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—

Select any of paragraphs 1 to 3 that apply.

- 1 The body corporate decided by special resolution at a general meeting held on [*date*] to reassess the interests described in the schedule of ownership and utility interests.
- 2 The reassessment of the ownership interests was made by a registered valuer in accordance with section 41(5)(a) of the Unit Titles Act 2010.
- 3 The reassessment has occurred no less than 36 months after the date of the deposit of the unit plan or the last reassessment of the interests described in the schedule of ownership and utility interests.
- 4 *For this paragraph select the statement that applies.*
The reassessment takes effect on [*date*], which is the day of the reassessment.
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.

Form 4—*continued***Schedule of ownership and utility interests***Complete the following table.*

Unit number	Computer register 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 on the earlier of the date determined as part of the special resolution referred to in paragraph 1 or the date of reassessment.

Form 5

Certificate by registered valuer: assessment of
ownership interests*Section 32(2)(b) and (3)(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	Computer register	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.

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.*

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.

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 these 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.

Form 8
Certificate by registered valuer: cancellation of
unit plan

Section 177(7), Unit Titles Act 2010

Unit plan: [*reference number*]

Supplementary record sheet: [*number*]

Certificate

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

Schedule of ownership interests

Complete the following table.

Unit number	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.

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*]

Computer register 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:

Form 9—*continued*

Computer register 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:

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

Form 10—*continued*

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.

Motion

[Summarise the motion.]

Type of resolution

[State whether the motion requires an ordinary or special resolution and whether, if passed, the resolution would be a designated resolution.]

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.

Form 11—*continued*

- 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.

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.

Motion	Type of resolution	Instructions on voting procedure	Vote
<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.

Form 12—*continued*

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 not less than 50% 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:

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
Section 146, Unit Titles Act 2010

Unit plan: [*reference number*]

Body Corporate Number: [*number*]

Unit number: [*number*]

Pre-contract disclosure statement

- 1 This pre-contract disclosure statement is provided to prospective buyers of the property in accordance with section 146(1) of the Unit Titles Act 2010.

General information

- 2 [*Set out a brief explanation of each of the following:*
- *unit title property ownership:*
 - *unit plan:*
 - *ownership and utility interests:*
 - *body corporate operational rules:*
 - *pre-settlement disclosure:*
 - *additional disclosure:*
 - *computer register:*
 - *land information memorandum:*
 - *easements and covenants.*]

3 Further information about the matters set out above can be obtained from [*name, address*].

Information about the unit

- 4 The amount of the contribution levied by the body corporate under section 121 of the Unit Titles Act 2010 in respect of the unit is \$[*amount*].
- 5 The period covered by the contribution in paragraph 4 is [*period*].
- 6 The body corporate proposes to levy \$[*amount*] under section 121 of the Act in the next 12 months.

Form 18—*continued*

- 7 The body corporate proposes to carry out the following maintenance on the unit title development in the next 12 months: [*set out details of proposed maintenance*].
- 8 The body corporate has the following accounts: [*set out details of every bank account held by the body corporate*].
- 9 Under section 148 of the Unit Titles Act 2010, a buyer may request an additional disclosure statement before the settlement of an agreement for sale and purchase of a unit. The buyer must pay to the seller all reasonable costs incurred by the seller in providing the additional disclosure statement. The estimated cost of providing an additional disclosure statement is \$[*amount*].
- 10 *Select the statement that applies.*
The unit or the common property is, or has been, the subject of a claim under the Weathertight Homes Resolution Services Act 2006 or other civil proceedings relating to water penetration of the buildings in the unit title development.
- or***
The unit or the common property is not currently, and has never been, the subject of a claim under the Weathertight Homes Resolution Services Act 2006 or any other civil proceedings relating to water penetration of the buildings in the unit title development.

Date: [*day, month, year*]

Signed:

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:*

Form 19—*continued*

- *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: [*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*]

Application

- 1 The body corporate has agreed by special resolution that the unit plan should be cancelled.
- 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 and a copy of the draft of this application have been served on the lessor of the base land.
- 4 *Select the paragraph 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.
- 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:

Form 20—*continued*

Full name of witness:

Address of witness:

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: *[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]*

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:

Form 22

Notice that application to cancel unit plan is not proceeding

*Section 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:

Form 23
Application for cancellation of unit plan
following declaration of High Court

Section 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: *[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]*

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.
- 4 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:

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 proprietor(s): *[name(s) and address(es) of flat or office owning company or registered proprietors of cross-leases]*

Schedule of land: *[computer register number(s) for the fee simple; all registered licences (in the case of flat or office owning company); and all computer registers 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 proprietor gives/The registered proprietors 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 1952 by any person claiming an estate or interest in the land or shares in the company.

*Select one.

Form 24—*continued***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 computer registers 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.

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 proprietor

[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:

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.
- 4 A notice of objection must not—
 - (a) relate to an easement or 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; and
 - (b) be given until any application for relief under section 210 of the Unit Titles Act 2010 is withdrawn under section 213(5) of that Act.

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:

Form 26—*continued***Note**

Notice of objection forms are available from the Department of Building and Housing.

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 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 section 210 or subpart 1 of Part 4 of the Unit Titles Act 2010.

Date: [*day, month, year*]

Signature of applicant:

Before me:

Full name of witness:

Address of witness:

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

Dealing type	Reference on plan	Burdened land	Benefitting land or grantee
<i>[Specify the type of dealing, for example, easement or variation of easement (see section 63(1) to (3).]</i>	<i>[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).]</i>	<i>[Describe the burdened land (for example, Unit 1 DP 12345) and any computer register issued for it.]</i>	<i>[Describe the grantee (if in gross), or the benefiting land (for example, Lot 1 DP 56789) and any computer register issued for it.]</i>

Date: *[day, month, year]*

Signature of body corporate:

Before me:

Full name of witness:

Address of witness:

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 materially affect—
 - (i) the common property; or
 - (ii) the use, enjoyment, or ownership interest of any unit the boundary of which is not being adjusted.

Date: [*day, month, year*]

Signature of body corporate:

Before me:

Full name of witness:

Address of witness:

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

Unit plan: [*reference number*]

Computer registers: [*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.

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:

Form 33—*continued*

Address of witness:

Note

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

Rebecca Kitteridge,
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**), come into force on 20 June 2011.

The Act replaces the Unit Titles Act 1972. The purpose of the Act is to provide a legal framework for the ownership and management of land and associated buildings and facilities on a socially and economically sustainable basis by communities of individual owners.

These regulations make provision for the following:

- the content of the register of unit owners, who may search it, and for what purposes:
- calling annual and extraordinary general meetings:
- the election, removal, and duties of the chairperson of a body corporate:
- voting procedures, including the appointment of proxies, postal voting, and passing a resolution without a general meeting:
- how a body corporate may enter into a legal obligation:
- the election and removal of a subsidiary body corporate representative:
- the default body corporate operational rules:

- the delegation of duties to a body corporate committee, and the revocation of a delegation:
- the election and removal of members of a body corporate committee:
- the administration of body corporate committee business:
- the financial management of a body corporate:
- disclosure statements.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 12 May 2011.

These regulations are administered by the Department of Building and Housing.
