

CHAPTER 226

HOUSING

1973-8

This Act came into operation on 1st April, 1973.

Amended by:

1973-55

1980-45

1998-16

1976-17

1983-18

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1978

1985

1998

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 226

HOUSING 1973-8

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FIRST SCHEDULE

Constitution of National Housing Corporation

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FORM OF CONVEYANCE

**BARBADOS****HOUSING
1973-8***An Act to*

- (a) *consolidate and revise the laws relating to housing and to provide for the establishment of a National Housing Corporation with responsibility for managing the development of areas designated as development areas and for related purposes; and*
- (b) *to permit the National Housing Corporation to invest its resources in building activities and property development other than housing, to finance its housing development programmes.*

[Commencement: 1st April, 1973]

PART I**PRELIMINARY****Short title**

1. This Act may be cited as the *Housing Act*.

Interpretation

2. For the purposes of this Act

“building” includes any temporary or movable form of shelter which is used for human habitation;

“Corporation” means the National Housing Corporation established by section 4;

“development” includes redevelopment;

“development area” means an area of land designated by the Minister by notice published in the *Official Gazette* as an area for development under this Act;

“dwelling-house” or “house” means any premises (including a flat) used as a separate dwelling and any part of a building which is occupied or intended to be occupied as a separate dwelling or being of a type suitable for such use;

“flat” means a separate and self-contained set of premises constructed for use for the purpose of a dwelling-house and forming part of a building from some other part of which it is divided;

“Housing Authority” means the Housing Authority constituted under section 3 of the *Housing Act*;^{*}

**[Now repealed and replaced by this Act.]*

“Urban Development Corporation” means the Urban Development Corporation established by section 3 of the *Urban Development Corporation Act*;^{*}

**[Now repealed and replaced by this Act.]*

“Minister” means the Minister responsible for Housing.

Functions of the Minister

3. The Minister shall be responsible for the formulation of
- (a) housing policies including
 - (i) the preparation of development plans for areas of land acquired by the Crown for housing development and for connected purposes; and
 - (ii) the preparation of slum clearance and redevelopment schemes; and
 - (b) policies relating to
 - (i) property development other than housing; and
 - (ii) building investment activities,
- for the financing of its housing development and redevelopment schemes.

[1998-16]

PART II**ESTABLISHMENT, CONSTITUTION AND STATUS OF THE CORPORATION****Establishment of Corporation**

- 4.(1) For the purposes of this Act, there is hereby established a Corporation to be known as the National Housing Corporation to which the provisions of section 21 of the *Interpretation Act*, Cap. 1 shall apply.
- (2) The provisions of the *First Schedule* shall have effect with respect to the constitution of the Corporation and otherwise in relation thereto.

Remuneration of members

5. The Corporation shall pay to each member, in respect of his office as such, such remuneration and allowances, if any, as the Minister determines, and to the chairman in respect of his office as such, in addition to any remuneration or allowances to which he may be entitled in respect of his office as member, such remuneration and allowances, if any, as the Minister determines.

Conflict of interest

5A.(1) A member of the Corporation shall not act as a delegate of any commercial, financial, agricultural, industrial or other interests, or receive or accept directions therefrom in respect of duties to be performed under this Act.

(2) Without prejudice to section 6, all members shall, at the first meeting of the Corporation, submit to the Corporation a full written disclosure of any commercial, financial, agricultural, industrial or other interests with which they may at any time, whether directly or indirectly, be connected.

(3) No member, nor any officer or employee of the Corporation, shall accept any gift or advantage for himself, or, in his behalf, for persons with whom he may have family, business or financial connections.

[1980-45]

Disclosure by members of interest

6.(1) Subject to this section, if a member is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Corporation, he shall declare the nature of his interest at a meeting of the Corporation.

(2) In the case of a proposed contract the declaration required by this section shall be made

- (a) at the meeting of the Corporation at which the contract is first taken into consideration; or

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- (b) if such member was not at the date of the meeting interested in the proposed contract, at the next meeting of the Corporation held after he became so interested.
- (3) Where a member becomes interested in a contract with the Corporation after it is made, the declaration shall be made at the first meeting of the Corporation held after the member acquires such interest.
- (4) Subject to subsection (5), for the purposes of this section where a general notice given to members of the Corporation by a member that he is a shareholder of a company or member of a firm with which, after the date of the notice, the Corporation may enter into a contract, that notice shall be deemed to be sufficient declaration of interest in relation to any contract made with that company or firm.
- (5) The notice given under subsection (4) shall have no effect unless it is given either at a meeting of the Corporation or the member takes reasonable steps to ensure that it is brought up and read at the meeting of the Corporation held immediately after it is given.
- (6) A member who has interest in any contract or arrangement with the Corporation
- (a) shall not vote in respect of that contract or arrangement, and if he does vote in contravention of this subsection, his vote shall not be counted; and
- (b) shall not be counted in the quorum present on the consideration of such contract or arrangement.
- (7) A person who contravenes this section or section 5A is guilty of an offence and liable on summary conviction to a fine of \$5 000 or imprisonment for 12 months, or to both.
- (8) Where a person convicted under subsection (7) is a member, that conviction disqualifies him from holding office as a member of the Corporation.

Restriction of powers of Corporation

7. Notwithstanding the powers conferred on the Corporation by section 5, the Corporation shall not without the prior approval of the Minister

- (a) assign any salary in excess of such sum as the Minister determines and notifies in writing to the Corporation to any post of the staff of the Corporation;
[1973-55]
- (b) appoint any person to a post on the staff of the Corporation to which a salary is assigned by the Minister under paragraph (a);
- (c) make any provision for the payment of pensions, gratuities or other like benefits to any officer or servant of the Corporation or to others by reference to their services to the Corporation.

Protection of Corporation and its members

8. No act done or proceedings taken under this Act shall be questioned on the grounds of

- (a) the existence of any vacancy in the membership of, or any defect in the constitution of the Corporation;
- (b) the contravention by a member of any of the provisions of section 6;
or
- (c) any omission, defect or irregularity not affecting the merits of the case.

PART III
FUNCTIONS OF THE CORPORATION

Functions of Corporation

9. The functions of the Corporation shall be
- (a) to acquire, hold and manage land and other property of any kind whatsoever and sell, let, lease or otherwise dispose of such land or other property on such terms and conditions as the Minister determines;
 - (b) to carry out development, building, maintenance, repair, improvement and other operations;
 - (c) to provide water, gas, electricity, sewage and other services;
 - (d) to carry on any business or undertaking in, or for the purposes of, any housing development;
 - (e) to make advances to persons on such conditions and securities as may be prescribed for any of the following purposes
 - (i) acquiring houses and land or constructing houses,
 - (ii) acquiring buildings to be converted into houses,
 - (iii) converting into houses buildings already acquired,
 - (iv) altering, enlarging, repairing or improving houses;
 - (f) to execute plans for slum clearance and redevelopment;
 - (g) generally to carry out the provisions of this Act,

together with such other functions as may be conferred upon it by the Minister for the purposes of this Act or by any other enactment.

Preservation of features of special interest

10. The Minister shall give such directions to the Corporation in respect of the disposal of land vested in it and in respect of the development by it of the

land as appear to him to be necessary or expedient for ensuring, so far as practicable, the preservation of any features of special architectural or historic interest.

Powers of Corporation in respect of building unfit for human habitation

11.(1) Where in the opinion of the Corporation a building to which this Act applies—

- (a) is derelict;
- (b) is unfit for human habitation;
- (c) creates a nuisance; or
- (d) is injurious or likely to be injurious to health,

the Corporation may serve on the owner thereof notice in writing requiring him to demolish, secure, repair or rebuild the building to the satisfaction of the Corporation within a time to be specified in the notice.

(2) If an owner on whom a notice is served under subsection (1) fails to comply with the requirements of the notice, the Corporation may carry out the works required to be done and in the case of a demolition may sell or otherwise dispose of any materials resulting from such demolition.

(3) Subject to subsection (4), the expenses incurred by the Corporation under subsection (3) may be recovered as a civil debt due to the Corporation.

(4) The expenses incurred in the demolition of a building under this section may be deducted from the amount realised after the sale of any materials resulting from the demolition, and in the event of a surplus remaining after the deduction, the Corporation shall pay the surplus to the owner of the demolished building.

(5) In determining for the purposes of this section whether a house is fit for human habitation, regard may be had to the extent, if any, to which it suffers from sanitary defects.

(6) Where in consequence of any notice issued under this section persons will be displaced, the Corporation shall first satisfy itself that suitable accommodation is available for such persons.

Power of Corporation to dispose of abandoned objects

12. The Corporation shall have the power to remove or otherwise dispose of any object abandoned on its lands.

PART IV

FINANCES OF CORPORATION

Finances of Corporation

- 13.(1)** The funds and resources of the Corporation shall consist of—
- (a) such sums as may from time to time be paid to its account out of moneys voted for the purpose by Parliament;
 - (b) such sums as may from time to time accrue from the operations of the Corporation;
 - (c) such sums or property as may in any manner become payable to or vested in the Corporation in respect of any matter incidental to its functions;
 - (d) such sums as may from time to time be borrowed by the Corporation;
 - (e) such sums as may become available from any other source approved by the Minister.
- (2) Subject to subsection (3), the Corporation may borrow sums required by it for meeting any of its obligations or performing any of its functions.
- (3) The power conferred on the Corporation by subsection (2) shall be exercisable only with the approval of the Minister, who shall stipulate—
- (a) the amount and source of the loan; and

(b) the terms and conditions on which such loan may be effected, and such approval may either be general or limited to a particular borrowing.

Application of funds of Corporation

14. The funds of the Corporation shall be applied towards discharging the obligations and performing any of the functions of the Corporation under this Act and for connected purposes.

Investment of funds

15. Any amount standing to the credit of the Corporation may be invested in

- (a) securities; or
- (b) building investment activities

approved by the Minister; and the Corporation may, with that approval, sell any of the securities or investments.

[1998-16]

Accounts and audit

16.(1) The Corporation shall keep accounts of its transactions in such form and manner as the Minister determines, and such accounts shall be audited annually by an auditor appointed by the Corporation with the approval of the Minister.

(2) The Auditor-General shall, on the direction of the Minister, carry out at any time an investigation into, or audit of, such accounts.

(3) The members, officers and servants of the Corporation shall grant to the Auditor-General or other person appointed to audit the accounts of the Corporation under subsection (1), as the case may be, access to all books, documents, cash and securities of the Corporation and shall give him, on request,

any such information as may be within their knowledge in relation to the operations of the Corporation.

(4) A person who fails to comply with the provisions of subsection (3) is guilty of an offence and is liable on summary conviction to a fine of \$250 or to imprisonment for 3 months.

Annual report

17.(1) The Corporation shall as soon as practicable after the expiration of each financial year, and in any event not later than the 30th September in any year, submit to the Minister a report containing

- (a) an account of its transactions throughout the preceding financial year in such detail as the Minister directs; and
- (b) a statement of the accounts of the Corporation audited under section 16.

(2) A copy of the report together with a copy of the auditor's report shall be laid before Parliament.

PART V

CONTRACTS FOR SALE OF LAND BY THE CORPORATION

Sale of land by the Corporation

17A.(1) Where the Corporation enters into a contract to sell land it shall make the conveyance thereof in the Form prescribed by the *Second Schedule* or as near thereto as the Corporation's attorney-at-law determines.

(2) A conveyance made under the authority of and in the Form prescribed under subsection (1) shall vest a good and marketable title in the purchaser notwithstanding that he has not investigated the title of the Corporation for the period of years required by section 50 of the *Property Act*, Cap. 236.

(3) Any person who has an interest in the land sold by the Corporation under this section which was not disclosed to the purchaser but which he would have discovered had he investigated the title of the Corporation for the period of years required by the *Property Act*, Cap. 236 shall not be entitled to enforce that interest against the land but may apply in writing to the Corporation for compensation for its loss.

(4) No application for the recovery of compensation may be made under this section where more than 3 years have elapsed since the applicant knowingly suffered the loss.

(5) No compensation shall be payable under this section to any person who has himself caused or substantially contributed to the loss by his fraud or negligence or who derives title (otherwise than as a *bona fide* purchaser for value) from such a person.

(6) Where compensation is awarded in respect of the loss it shall not exceed the value of the interest at the time of the sale by the Corporation.

(7) An appeal lies to the High Court against the refusal of the Corporation to award compensation or against the amount of an award.

(8) Notwithstanding section 48 of the *Property Act*, Cap. 236, a stipulation in a contract by the Corporation's attorney-at-law in relation to the completion of a purchase under this Act or any mortgage connected therewith is valid.

[1980-45]

Fees

17B. Notwithstanding section 35 of the *Legal Profession Act*, Cap. 370A or anything contained in any other enactment, the Attorney-General may, after consultation with the Minister and the Judicial Advisory Council, by order, prescribe the fees payable in respect of services rendered by the Corporation or an attorney-at-law in connection with any sale or mortgage referred to in section 17A.

PART VI
TRANSITIONAL PROVISIONS

18. [Spent.]

19. [Spent.]

Pensions

20.(1) The Governor-General may by order, subject to negative resolution, declare any office in the service of the Corporation to be a pensionable office.

(2) An order made under subsection (1) shall have effect as if it were an order made under section 2 (1) of the *Pensions Act*, Cap. 25.

(3) In determining for the purposes of the *Pensions Act* and the *Pensions Regulations, 1947*, the qualifying service or pensionable service of any officer of the Corporation

(a) holding at the commencement of an order made under subsection (1) an office specified in the order; or

(b) appointed to an office specified in an order made under subsection (1) after the commencement of the order,

any period of continuous service served by the officer with the Corporation in such office, whether or not that service was prior or subsequent to the commencement of the order, may be taken into account, and for the purpose of determining whether or not that period of service is to be treated as continuous service, regard shall be had to the *Pensions Regulations, 1947*.

(4) All service which by virtue of subsection (3) may be taken into account as qualifying service or pensionable service of an officer of the Corporation by whom the service was served shall for the purposes of the *Pensions Act* and the *Pensions Regulations, 1947*, be deemed to be service in a civil capacity under the Crown entitling the officer, subject to that Act and those regulations, to a

pension or gratuity or to a pension and gratuity under and in accordance with that Act and those regulations.

[Act 1947-20]

(5) For the purposes of this section

- (a) “qualifying service” and “pensionable service” have respectively the meanings assigned to them by regulation 2 of the *Pensions Regulations, 1947*; and
- (b) any period of continuous service with the Housing Authority or the Urban Development Corporation shall be deemed to be service with the Corporation.

Payments in aid of pensions

21. The Corporation shall in respect of every financial year on the demand of the Accountant-General pay out of the funds of the Corporation into the Consolidated Fund in aid of the pensions of officers of the Corporation a sum equal to 25 percent of the total sum of the salaries paid in that financial year or any part thereof to officers of the Corporation serving in any offices specified in an order made under section 20(1).

PART VII

MISCELLANEOUS

[1980-45]

Regulations

22. The Corporation may with the approval of the Minister make regulations generally for carrying out the provisions of this Act and with respect to

- (a) determining the number of persons who may occupy a dwelling house let by the Corporation;

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- (b) the use of buildings let by the Corporation with a view to
 - (i) the prevention of fire, nuisance and sanitary defects, and to ensuring the provision of adequate ventilation therein, and
 - (ii) promoting and enforcing cleanliness of such buildings and their premises;
 - (c) the taking of precautions in any such dwelling houses in the case of any infectious disease;
 - (d) ensuring the occupation of a dwelling house in a tenable manner and the prevention of damage to, or destruction of, any part thereof by a tenant or other person;
 - (e) the inspection of buildings and land vested in the Corporation;
 - (f) the books and accounts to be kept by the Corporation and the manner in which they are to be kept;
 - (g) the custody of the funds and other property of the Corporation, the making of payments by the Corporation and the signing of cheques;
 - (h) the execution of documents by or on behalf of the Corporation;
 - (i) the terms and conditions on which buildings may be let or leased by the Corporation;
 - (j) the terms and conditions in respect of loans, advances or guarantees made or entered into by the Corporation;
 - (k) the forms of mortgages, charges, leases, letting agreements and other instruments.

Directions by Minister

23. The Minister may give directions to the Corporation as to the exercise and performance of any of its functions under this Act, and the Corporation shall give effect to such directions.

Exemption from taxes

24. The Corporation shall be exempted from liability for any tax, duty (except customs duty), levy or any other charge, whatsoever.

Minutes receivable in evidence

25. Minutes of meetings of the Corporation shall, if duly signed by the chairman or deputy chairman, be receivable in evidence in all legal proceedings without further proof thereof, and every meeting of the Corporation in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members present at such meeting shall be deemed to have been duly qualified to act.

Power of entry for inspection

26.(1) A person authorised by the Corporation in writing (which shall state the purpose for which the entry is authorised) may at any reasonable time, on giving 24 hours' notice to the occupier and owner (if he is known) of his intention, enter any building or premises for the purpose of

- (a) ascertaining whether or not circumstances exist which would authorise or require the Corporation to take any action or execute any works under this Act or the regulations;
- (b) inspecting buildings or land which the Corporation is authorised to acquire; and
- (c) generally examining and inspecting buildings and lands vested in the Corporation.

(2) A person who obstructs any person acting under the authority of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of \$150 or to imprisonment for 6 months or to both.

Savings

27. Any order made under section 9 of the *Housing Act** shall continue in force until revoked by an order made under this Act.

**[Now repealed and replaced by this Act.]*

FIRST SCHEDULE*(Section 4)**Constitution of National Housing Corporation*

1.(1) The Corporation shall consist of a chairman, a deputy chairman and not less than 7 nor more than 9 other members, all of whom shall be appointed by the Minister by instrument in writing.

[1983-18]

(2) The Minister shall appoint 2 members to be respectively chairman and deputy chairman.

[1976-17]

2. A member shall, subject to paragraphs 4, 5 and 6, hold office for such period not exceeding 3 years as the Minister directs in the instrument appointing such member, but is eligible for re-appointment.

3. The Minister may appoint, in accordance with paragraph 2, any person to act temporarily in the place of any member who is absent from Barbados or is unable to act.

4. A member other than the chairman or deputy chairman may at any time resign his office by instrument in writing addressed to the chairman, who shall cause the instrument of resignation to be sent to the Minister, and upon the date of receipt by the chairman of such instrument, that person shall cease to be a member of the Corporation.

5. The chairman or deputy chairman may at any time resign his office by instrument in writing addressed to the Minister, and upon the date of the receipt by the Minister of such instrument shall cease to be chairman or deputy chairman, as the case may be, and a member of the Corporation.

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- 6.** The Minister may at any time by instrument in writing revoke the appointment of any member of the Corporation.
- 7.** A vacancy shall be deemed to arise in the membership of the Corporation on
- (a) the death or resignation of a member;
 - (b) the revocation by the Minister of the appointment of a member;
 - (c) the absence from Barbados of a member without leave of the Minister;
 - (d) the failure of a member to attend 3 consecutive meetings of the Corporation unless such failure was approved by the Minister.
- 8.** The appointment, removal, death or resignation of a member shall be notified in the *Official Gazette*.
- 9.(1)** The seal of the Corporation shall be kept in the custody of the chairman or deputy chairman or such officer of the Corporation as the Corporation approves, and may be affixed to documents or instruments pursuant to a resolution of the Corporation, in the presence of the chairman or deputy chairman and the secretary.
- (2) The seal of the Corporation shall be authenticated by the signature of the chairman or deputy chairman and the secretary.
- (3) All documents or instruments, other than those required by law to be under seal, made by, and all decisions of, the Corporation may be signified under the hand of the chairman or deputy chairman.
- 10.** The Corporation shall meet at such times and places as may be necessary or expedient for the transaction of its business.
- 11.** The chairman, or in the event of his absence from Barbados or inability to act as such, the deputy chairman, may at any time call a special meeting of the

Corporation and shall call a special meeting of the Corporation within 7 days of the receipt by him of a requisition for that purpose addressed to him in writing by any 3 members.

12. The chairman, or in his absence the deputy chairman, shall preside at all meetings of the Corporation, and in the case of the absence of both, the members present and constituting a quorum shall elect a temporary chairman from among their number who shall preside at the meeting.

13. 5 members shall form a quorum.

[1983-18]

14. The decisions of the Corporation shall be by a majority of votes, and in the event of an equality of votes the chairman or deputy chairman presiding at the meeting shall have a casting vote.

15. Minutes in proper form of each meeting shall be kept by the secretary or such officer as the Corporation appoints for the purpose, and shall be confirmed by the Corporation at the next meeting and signed by the chairman or deputy chairman.

16.(1) The Corporation may

- (a) appoint such committees composed of members of the Corporation and other persons not being members of the Corporation, for the proper carrying out of its functions; and
- (b) delegate to such committees any functions it considers necessary.

(2) A person co-opted under sub-paragraph (1) shall not have the right to vote at any meeting.

17. Where a person not being a member of the Corporation is appointed to a committee under paragraph 16, the Corporation may, with the approval of

the Minister, determine the remuneration and allowances to be paid to such person.

[1980-45]

SECOND SCHEDULE*(Section 17A (1))**FORM OF CONVEYANCE*

BARBADOS

THIS CONVEYANCE is made the.....day of.....One thousand nine hundred and.....BETWEEN THE NATIONAL HOUSING CORPORATION, a statutory Corporation established by the *Housing Act* Cap. 226 of the laws of Barbados and having its principal place of business at Country Road in the parish of Saint Michael, (hereinafter called “the vendor”) of the ONE PART and.....hereinafter called “the purchaser”) of the OTHER PART.

WHEREAS:

1. The vendor being the estate owner in fee simple absolute in possession free from encumbrances of a parcel of land containing by admeasurement.....square metres situate at.....in the parish ofin Barbados applied for and obtained the permission of the Chief Town Planner for the development of the said area as a building estate for residential purposes as described in his permission numberdated the.....day of.....One thousand nine hundred and.....subject to the conditions thereto attached and caused a plan thereof to be made and certified by.....Land Surveyor on the.....day of.....One thousand nine hundred and.....showing the said area of.....square metres divided into.....lots (which plan is hereinafter called “the Key Plan”).
2. The conditions attached to the said permission have been complied with as is shown by the Certificate of the Chief Town Planner dated the.....day of.....One thousand nine hundred and.....

THE LAWS OF BARBADOS

Printed by the Government Printer, Bay Street, St. Michael
by the authority of the Government of Barbados

3. The vendor has offered the said area of.....square metres for sale in lots as a building estate subject to the due observance and performance by the purchaser of each lot of the conditions and stipulations mentioned and contained in the said permission of the Chief Town Planner, and also of the covenants hereinafter contained to the intent that the owner for the time being of any lot forming part of the said building estate might be able to enforce at law or in equity the observance by the owner for the time being of the other lots forming part of the said building estate of such of the said covenants as are negative.

4. The vendor agreed with the purchaser for the absolute sale to the purchaser of the land herein described and intended to be hereby granted as part of the said building estate in fee simple (subject as aforesaid) at or for the price of

NOW THIS CONVEYANCE WITNESSETH as follows:

1. In pursuance of the said recited agreement and in consideration of the sum of.....paid by the purchaser to the vendor (the receipt whereof the vendor hereby acknowledges) and of the covenants on the part of the purchaser hereinafter contained the vendor by virtue of the power conferred by section 9 of the *Housing Act*, Cap. 226 and as beneficial owner hereby CONVEYS unto the purchaser ALL THAT land described in the First Schedule hereto TOGETHER WITH all rights and benefits appertaining or annexed to the land hereby conveyed as provided for by section 66 of the *Property Act* Cap. 231 except and reserving in fee simple unto the vendor as owner or owners for the time being of the land intended to be benefitted thereby the rights easements quasi-easements and appurtenances specified in the Second Schedule hereto TO HOLD unto the purchaser in fee simple subject to the observance of the covenants by the purchaser hereinafter contained.

2. For the benefit and protection of the land comprised in the said building estate or any part thereof other than the land hereby conveyed and so as to bind so far as may be the land hereby conveyed into whosoever hands the

same may come the purchaser hereby covenants with the vendor and also as a separate covenant with every owner for the time being of the land comprised in the said building estate and the vendor for the benefit and protection of the land hereby conveyed or any part or parts thereof and so as to bind (so far as may be) the land comprised in the said building estate remaining vested in the vendor into whosoever hands the same may come covenants with the purchaser that the parties hereto and those deriving title under them will at all times hereafter observe and perform the stipulations set out in the Third Schedule hereto but so that neither the vendor nor the purchaser respectively nor those deriving title under them shall be liable for a breach of the said stipulations so far as they are negative in character which may occur on or in respect of the said land or any part or parts thereof after the parties hereto or those deriving title thereto shall have parted with all interest therein.

3. The vendor hereby acknowledges the right of the purchaser to the production of the documents specified in the Fourth Schedule hereto (the possession of which is retained by the vendor) and to delivery of copies thereof and undertakes with the purchaser for the safe custody of the said documents.

4. It is hereby certified as follows:

- (a) That the consideration herein expressed represents the fair market value of the property hereby transferred; and
- (b) (CERTIFICATE OF RESIDENCE OF PURCHASER IF APPLICABLE)

IN WITNESS whereof this conveyance is executed under seal the day and year first before written.

FIRST SCHEDULE

(Description of lots conveyed)

SECOND SCHEDULE

Similar rights of way and licences for the vendor and the vendor's successors in title owners and occupiers for the time being of the retained land comprised in the said building estate shown on the Key Plan and the servants and licensees of the vendor or the vendor's successors in title along over and under the portions of the said road reserve (including carriage-way) included in the area of the land hereby conveyed as are hereinbefore granted to the purchaser over the said portions of the said road reserves not included in the area of the land hereby conveyed.

THIRD SCHEDULE

- (a) The stipulations and conditions set forth in the said permission of the Chief Town Planner shall be observed and performed insofar as the same are to be observed and performed by the owner for the time being of any part of the said land comprised in the said building estate and the vendor shall be indemnified against any action suit or other proceeding in respect thereof.
- (b) (c) *List other covenants on the part of the purchaser.*
- (d) (e)

FOURTH SCHEDULE

(List Town Planning Documents)

[1980-45]