

See Page 20 38KF

Number 6(I) of 1993
LAW AMENDING THE IMMOVABLE PROPERTY
(TENURE, REGISTRATION AND VALUATION) LAW

The House of Representatives votes as follows:

1. This Law shall be referred to as the Immoveable Property (Tenure, Registration and Valuation) (Amendment) Law of 1993 and shall be read together with the Immoveable Property (Tenure, Registration and Valuation) Law (hereinafter referred to as "the basic law").
2. The basic law is amended by the repealing of section 6.
3. The basic law is amended by adding, immediately after section 38, the following new Part:

"Part IIA
COMMONLY OWNED BUILDINGS
General Provisions

(38 A)
(alfa)

Interpretation.

38A. In this Part -

"licensed insurer" means an insurer who, by virtue of the Insurance Companies Law, holds a licence to carry out insurance business in the insurance sector fixed by or by virtue of this Law;

"pertinent authority" means the pertinent authority by virtue of the Streets and Buildings Regulation Law or any Regulations or other administrative acts issued by virtue thereof;

"Administrative Committee" means the Administrative Committee provided for in sections 38KB up to 38L;

"Regulations" means the Regulations issued by virtue of sections 38JH up to 38 L;

2

"commonly owned ^(ownership) property" means every part of commonly owned building not having registered as a unit;

"commonly owned building" has the meaning ascribed to this term by section 38B;

"owner of unit" means the owner of unit in the commonly owned building and includes, with respect to a unit which is being occupied by virtue of a lease who has been registered under Part IV (which shall hereinafter be referred to as "long lease"), the long-term lessee or the long-term sub-lessee, as the case may be, unless the contract of lease provides that the long-term lessee or the long-term sub-lessee shall not be considered as owner of the unit for the purposes of this Part; a long-term lessee or a long-term sub-lessee shall be a lessee or sub-lessee by virtue of a lease or sub-lease which has been registered under Part IV. The term "ownership of unit" shall be interpreted accordingly;

"unit" means a floor or part of a floor, room, office, flat or shop or any other part or space of a commonly owned building which may be properly and conveniently be occupied and enjoyed as a full separate and self-contained unit for any purpose;

"restricted commonly owned ^(ownership) property" means part of a commonly owned building which was given by virtue of section 38F for the exclusive use of one or more but not all the units;

"standard regulations" means the Regulations which are set out in the Appendix;

"building" means a permanent building and includes the land on which it is built.

(38B)
(666) Commonly
owned
building.
Separate
ownership of
units.

38B. Notwithstanding anything provided in this and in any other Law-

- (a) When a building is constituted by at least five units, even if it with all its other units belongs mostly to one owner, it constitutes a commonly owned building and shall be registered as commonly owned according to Section 38LA:

Provided that the property which is constituted by two up to four units may constitute a commonly owned building and be registered as such, if the owners of at least fifty per cent (50%) of the commonly owned property or any two owners of units, submit a relevant application to the Director requesting that this property constitute a commonly owned building and be registered as such.

- (b) Each unit of a commonly owned building shall belong, be occupied and shall be enjoyed separately as private property and shall be registered as such according to section 38LA. For each unit there shall be issued a separate certificate of registration and no other immovable property shall be included in the same certificate of registration except the share in the commonly owned property which corresponds to such unit as defined in this Part and any possible restricted commonly owned property which was given exclusively to such unit as defined in this Part.

(38Γ)
(gamma) Application of the laws governing immovable property.

38C. Subject to the provisions of this part every provision of this Law or any other Law concerning immovable property shall be applied with the necessary adjustments to units of commonly owned building.

(38Δ)
(delta) Rights of owners of units for alterations, e.t.c.

38D. Subject to the provisions of this Part the owner of each unit may carry out alterations, additions or repairs to his unit provided that -

(a) they do not prejudice the rights of the owner of any other unit nor do they intervene with its enjoyment from its owner; or

(b) they do not prejudice in any other way the commonly owned property, its normal operation or its enjoyment; or

(c) they do not affect in any other way the walls supporting the commonly owned building, the external walls of the commonly owned building or any other part of the structure of the commonly owned building or that they do not endanger in any other way the safety or that they do not alter the external appearance of the commonly owned building according to everything provided in these Regulations.

(38Ε)
(epsilon) Application of this Part to separate buildings, e.t.c. on the same plot of land.

38E. The provisions of this Part are applied by analogy to buildings constituted from more than one buildings or parts (πτέρυγες) or complex of buildings on the same plot of land even if they are not, either wholly or partly, separated horizontally.

Units and Commonly Owned Property.

(38ET)
(sigma-taf) Ownership of commonly owned property belonging to units and restricted commonly owned property.

38F. (1) The commonly owned property of a commonly owned building shall belong to, be occupied and enjoyed by all the owners of units and in undivided shares according to the proportion fixed in section 38I and shall belong to the unit according to such proportion.

Provided that a certain part of commonly owned property may be given for the exclusive use of a specific unit. In such case the part of the commonly owned property (which shall hereinafter be referred to as "restricted commonly owned property") shall be described particulary in the registration of the unit:

Provided further that, unless otherwise provided in the Regulations, the owners of the units may, any time after the registration of the commonly owned building and its units and by decision of the owners of at least seventy five per cent (75%) of the commonly owned property and, provided the Director is satisfied in relation thereto, decide that a certain part of it be characterized as restricted commonly owned property and be given to certain unit or units for exclusive use:

Provided further that the Director may register a commonly owned property as restricted commonly owned property if the refusal of the owner of unit to consent to the characterisation of the part of the

6

commonly owned property as restricted commonly owned property apparently supercedes the limits demanded by good faith or by the social or financial purpose of his or her right:

Provided further that no decision may be taken by virtue of the preceding proviso with respect to the stairs, the roof, the foundations, the main walls which support the whole of the commonly owned property, the lifts, the corridors and the spaces or the installations intended to serve all or some of the owners. Each decision which contravenes this provision shall be null and void and no registration shall be made by virtue of such decision.

- (2) The certificate of registration of a unit shall refer to any restricted commonly owned property which was given to such unit for exclusive use.
- (3) Each disposal or dealing in relation to a unit shall include:-
 - (a) The share in the commonly owned property belonging to such unit without express reference thereto,
 - (b) the possible restricted commonly owned property which was given exclusively to such unit for exclusive use without express reference thereto,

and each disposal or dealing with relation to such unit in the commonly owned property or in relation to the restricted

commonly owned property or any part thereof or share therein, which is separate from the unit shall be void.

- (4) Subject to the provisions of the Streets and Buildings Regulation Law the owners of units may by decision of the owners to whom there belong one hundred per cent (100%) of the commonly owned property, decide to reduce or to extend the extent of the land constituting part of the commonly owned property.

(38Z)
(zeta) Non applica-
tion of the
provisions
with respect
to the
ownership
of undivided
shares.

38G. The provisions of this Law with respect to the ownership of undivided shares shall not be applicable to commonly owned property:

Provided that nothing shall prevent the co-ownership of unit or the separation of its co-ownership.

(38H)
(eta) Extent of
unit.

38H. (1) The extent of unit is constituted by the covered space surrounded by the external walls of the unit and in such extent there are included the covered and uncovered verandas (βεράντες) and the covered and uncovered balconies (εξώστες) of the unit. In the case of common walls between units or between a unit and commonly owned property the extent of such walls shall be distributed equally between the units adjacent to each other or between the unit and the commonly owned property as the case may be.

- (2) The extent of the unit must be written on the certificate of registration of the unit.

(380) Share in
(unit) commonly
owned
(property.)
omitted

38I. The share of an owner of unit in the commonly owned ^{ownership} property which corresponds to and belongs to the unit shall be fixed by the owner of the immovable on which there is being constructed a commonly owned building and shall be equivalent to the proportion of the value of such unit in relation to the total value of all units of the commonly owned building. In the calculation of the proportion of a share, units smaller than one per cent shall not be taken into account:

Provided that the Director may set a value different from the value of the unit fixed by the owner of the immovable property if he considers that there is a disharmony between that and the real value of such unit:

Provided further that the share of the owner of the unit in the commonly owned property which corresponds and belongs to the unit, with respect to the building for which there has been issued a building permit before the date of application of the present Law, unless otherwise agreed, shall be equivalent to the proportion of the value of the unit with relation to the total value of all units of the commonly owned building at the prices as on 1st January, 1980 fixed according to the provisions of Part VII of this Law:

Provided further than, in the case of a building of which the building co-efficient has not been exhausted, the Director shall fix such proportion, after taking into account the total value of the units which can be constructed at prices as on 1st January, 1980.

(38I)
(γiota)
Separation of
commonly
owned
property
constituted by
separate
buildings,
e.t.c.

38J. (1) When commonly owned buildings constituted by separate buildings or parts (πέρυγες) or complex of buildings situated on the same plot of land are autonomous and have separate entrances then, unless otherwise provided in the Regulations, the owners of such units may, by decision of the owners of at least seventy five per cent (75%) of the commonly owned property, decide that the commonly owned property or any part thereof situated in each building or complex of buildings shall belong only to the units situated therein and that every such building or complex of buildings and the commonly owned property situated therein belonging to such unit shall be considered as separate commonly owned building:

Provided that commonly owned buildings may be separated as above even if certain services or installations or other commonly owned property serving such buildings cannot be separated and must remain commonly owned by all owners. In such case these services, installations or other commonly owned property shall be considered belonging to all the units in proportion to their share over the commonly owned building according to the provisions of the present Law.

- (2) No decision to separate a commonly owned building by virtue of sub-section (1) is not valid, unless approved by the pertinent authority.
 - (3) The Director, once satisfied that the
-

provisions of sub-section (1) and (2) have been followed shall proceed with the proper amendment of the relevant documents.

Maintenance, Insurance e.t.c. of Commonly Owned Buildings

(381A)
(gamma-alpha) Expenses for the maintenance e.t.c. of commonly owned property.

38JA. (1) The owners of all units shall participate in the expenses which are necessary for the insurance, maintenance, repair, reinstatement and administration of the commonly owned property and for the securing of the services specified in this Part or the Regulations. The proportion of the share of each owner towards the expenses shall be fixed by the Regulations based on the area in square meters of each unit. (surface area)

(2) If any owner omits or neglects to conform with the demands of this section, the Administrative Committee may proceed to any act and to any expense reasonably necessary for this purpose and may recover by action the sum owed by the liable owner according to the provisions of the present Law.

(381B)
(gamma-beta) Insurance of commonly owned buildings.

31JB. (1) The Administrative Committee shall insure and keep always insured the commonly owned building against fire, lightning and earthquake, with a licensed insurer for the sum which the Administrative Committee shall consider that it corresponds to the value of its replacement. For any other dangers the insurance shall be compulsory only when this is decided by a percentage of ownership over fifty per cent (50%).

- (2) The Administrative Committee shall contract any other insurance demanded by any other law.

Part or total destruction of commonly
owned buildings and termination of commonly owned buildings

(381Γ)
(gamma-gamma) Part or total
destruction
of unit.

38JC. In the case of part or total destruction of unit from any cause, the owner of such unit within the absolutely necessary time period and with his own expense, shall take steps for the reconstruction, repair or reinstatement of the unit and its restoration to its previous condition; priority shall be given to the reconstruction, repair or reinstatement of parts or areas affecting the unobstructed use and enjoyment of other units or the commonly owned property. An owner of unit who omits or neglects to conform with his obligations by virtue of this section is obliged in addition to any other responsibility or obligation placed upon him or by virtue of this Part or the Regulations to compensate the other owners of units if by reason of his negligence or omission the disturbance of the free unobstructed and full use of such units or the commonly owned property is prolonged.

(381Δ)
(delta-delta) Part
destruction
of commonly
owned
building.

38JD. In case of part destruction of commonly owned property for any reason, the Administrative Committee as soon as it receives the insurance money shall dispose the same for the reconstruction, repair or reinstatement of commonly owned building.

(381E) Total
(gamma-epsilon) destruction
of commonly
owned
building.

38JE. (1) The commonly owned building is considered totally destroyed when this is decided, in general meeting convened for this purpose, by the owners of one hundred per cent (100%) of the units of the commonly owned property.

(2) In case a decision is taken by virtue of sub-section (1), according to which the commonly owned building is considered totally destroyed, the owners of units shall decide in general meeting specifically convened for this purpose, about the measures that have to be taken. This decision shall be taken unanimously.

(3) If the owners of units do not agree by virtue of this section in relation to -

(a) Whether the commonly owned building shall be considered totally destroyed by virtue of sub-section (1); or

(b) the measures that have to be taken by virtue of sub-section (2),

an application may be submitted to the Court for a decision with respect to the aforesaid matters and the Court has jurisdiction to issue judgment with respect to the matters in issue.

(4) The Court shall issue judgment that the commonly owned building is totally destroyed if it is satisfied that taking into account the rights and interests of

13

all the owners of units, it is equitable to have the commonly owned building considered totally destroyed.

- (5) If the Court issues judgment that the commonly owned building is totally destroyed or if it issues judgment with respect to the steps to be taken by virtue of sub-section (2), the Court may by order impose such terms and give such directions, including directions for the payment of financial sums, as it shall consider fit for the equitable apportionment of the consequences of the judgment among all owners of units.
- (6) If the Court issues judgment that the commonly owned building is not totally destroyed it may give any directions it shall consider fit, including directions for the reconstruction or reinstatement, in whole or in part, of the commonly owned building. In exercising its powers contained in this section, the Court may issue such orders, as it shall consider necessary or proper for carrying out its directions including orders with which -
- (a) There is ordered the disposal of the insurance monies with respect to the damage to the commonly owned building received by the Administrative Committee;
- (b) There is ordered the payment of financial amounts by the owners of units or one or some of them;
-

14

(c) There are imposed such terms as the Court shall consider fit.

(7) For the purposes of this section the application may be submitted to the Court by the Administrative Committee or by one owner of unit or any person who has a registered charge or right.

(8) In the case of submission of an application to the Court by virtue of this section, every licensed insurer who contracted an insurance with respect to the commonly owned building has a right to appear before the Court.

(9) The Court may amend any order issued by virtue of this section.

(10) In the case of submission of an application by virtue of this section, the Court may issue an order as to the payment of expenses as it shall consider fit.

Υ381ZT)
(gamma-sigma-tee)
Sale of commonly owned building.

38JF. The decision for the sale of the commonly owned building may be taken by the owners of one hundred per cent (100%) of the commonly owned property.

(381Z)
(gamma-zeta)
Interest of owners of units in case of destruction or termination of commonly owned building.

38JG. In case of whole destruction of commonly owned building as provided in section 38JE or in case of sale of commonly owned building as provided in section 38JF or a compulsory acquisition, the respective interests of owners of units shall be in proportion to their shares in the commonly owned property as provided in section 38I.

(3816) Regulations.
(γιοτα - χίτα)

38JH. (1) The commonly owned building shall be regulated and shall be governed by Regulations which shall be issued according to the following provisions. These Regulations shall provide for the control, operation, administration, management, use and enjoyment of the units of the commonly owned property and shall regulate the relations between the owners of the units and the right and their responsibilities with respect to the commonly owned building and the commonly owned property.

(2) The owners of units of commonly owned buildings may make Regulations and may amend ^{them} or revise ^{them}, replace or repeal ^{them} (the same) with the decision of the owners of at least seventy five per cent (75%) of the commonly owned property, unless by or by virtue of this Part, there is specified a different percentage proportion in relation to any specific matter.

(3) The standard regulations are applied with respect to commonly owned buildings for which a building permit has been issued and have not yet been filed as commonly owned buildings in the Land Register (Κτηματικό Μητρώο):

Provided that after the registration of the commonly owned buildings, the owners of the units may make regulations and may amend, revise, replace or repeal the same as provided in sub-section (2).

16

- (4) Regulations made by virtue of this Part shall conform with the provisions of the present Law.
- (5) No Regulation and no amendment, ^{revision} (review,) replacement or repealing ^{of} any Regulation shall have such effect so as:-
- (a) To prevent or restrict the transfer of the units by hereditary succession or any transfer, lease, mortgage or other dealing with respect to the same or so as to erase or amend any easement or right created by or by virtue of which is a consequence of this Law or any other Law;
- (b) to terminate, alter or annul the rights of any owner of unit;
- (c) to impose on any owner of unit an obligation or payment the nature or the degree of which is not ^{provided} (specified) (fixed) by or by virtue of this Part or these Regulations unless this is done after the consent of the owner of the unit;
- (d) to define a certain part of the commonly owned property as restricted commonly owned property and that the same be given exclusively to a certain unit unless this is done according to section 38F.
-

17

(38K)
(Cappa)
Registration
of Regulations
and binding
obligations.
δεσμευ-
τικότητα).

38K. (1) All the Regulations which are made according to the provisions of section 38JI and every amendment, revision or replacement of the same, shall be registered according to sub-section (2) and once this registration is effected, they shall bind every owner of unit and every subsequent owner of unit.

(2) The registration of the Regulations or of any amendment, revision or replacement of the same shall be made once the Management Committee submits a duly certified copy to the Director and the Director shall file to this effect a note with the Land Register.

(38KA)
(Cappa - alpha)
Standard
Regulations.
Appendix.

38KA. (1) When there is no registration of Regulations by virtue of section 38K the standard regulations which are set out in the Appendix shall be considered as Regulations registered in relation to the respective commonly owned building.

(2) When the Regulations registered by virtue of section 38K do not provide for any matter, the said matter shall be governed by the respective provision of the standard regulations.

(38KB)
(Cappa - beta)
Management
Committee of
Commonly
owned
buildings.

38KB. Every commonly owned building must have a Management Committee for the regulation and administration of its matters. The Management Committee is created and acts according to the provisions of this Part and the Regulations.

(38Kr)
(cuppa-gemmi) First
Management
Committee.

- 38KC. (1) Once a commonly owned building is registered with the Land Register, the Director shall, if it is demanded by the owners of units who had made an application for registration, appoint in writing a temporary Management Committee of the property until the first Management Committee is established by virtue of the Regulations. The composition of the temporary Management Committee shall respond to the recommendation of the owners of the units who made an application for registration. If there is no such recommendation, the Director, at his discretion, shall appoint a Management Committee consisting of the owners of the units of the commonly owned building, or, if that is not possible, consisting of other persons; in the latter case he may set a remuneration for that purpose.
- (2) A Management Committee appointed by virtue of sub-section (1) shall be considered for all purposes a Management Committee established by virtue of the provisions of this Part and the Regulations.
- (3) The service of the Management Committee which is appointed by virtue of sub-section (1) ends on the day fixed by the Regulations.
-

(38KD)
(cappa-delta) Procedure in
case of non-
existence of
a Management
Committee.

38KD. (1) In case a Management Committee has not been established by virtue of the provisions of this Part or the Regulations or in case the Management Committee ceased to operate, the Director may appoint a Management Committee of the commonly owned building and the provisions of section 38KC shall apply mutatis mutandis with respect to the appointment, the remuneration and the legal foundation thereof.

(2) When the Regulations provide for the election of the Management Committee by the general meeting, the Director shall not exercise the powers granted to him by sub-section (1) unless he convenes a general meeting of the owners of the units for the election of the Management Committee and this meeting does not elect a Management Committee or unless satisfied that under the circumstances the convening of a general meeting is not possible.

(38KE)
(cappa-epsilon) Remuneration
of the
Management
Committee.

38KE. The remuneration of the Management Committee appointed by virtue of section 38KC or section 38KD fixed by the Director shall constitute an expense which shall be covered by the contributions of the owners of units by virtue of section 38JA.

(38ΚΣΤ) Competence
(σφραγισμένη) (αρμοδιότητες) of the
Management
Committee.

20

38KF. (1) The Management Committee shall act for and on behalf of the owners of units, shall be responsible for the enforcement of the regulations, shall have the powers and duties fixed by or by virtue of this Part or the Regulations and shall exercise the powers and duties fixed by or by virtue thereof.

(2) Without prejudice to the generality of sub-section (1) the Management Committee may -

(a) Sue and be sued with relation to any matter concerning the commonly owned property or the commonly owned building;

(b) sue for and with relation to any damage or loss caused to the commonly owned property by any person whether that person is the owner of unit or not;

(c) contract with relation to any matter concerning the maintenance and administration of the commonly owned building;

(d) sue and be sued with relation to any matter concerning the application of the provisions of the present Law and the Regulations issued by virtue hereof.

(38KZ)
(Capp zeta) Duties of the
Management
Committee.

38KG. (1) The Management Committee has an obligation inter alia -

- (a) To check, operate, administer and manage the commonly owned property and proceed with every act necessary for the enforcement of the Regulations and the control, operation, administration and management of the commonly owned property and for the securing of the services fixed by or by virtue of this Part or the Regulations;
 - (b) to keep in good condition and operation and to maintain the commonly owned property and such other parts of the commonly owned building and the improvements, constituents and appendices, as entrusted to it by or by virtue of this Part or the Regulations;
 - (c) to carry out the duties imposed upon it by or by virtue of this Part or the Regulations;
 - (d) to convene a general meeting of the owners of units at least once a year and any other meeting fixed by this Part or the Regulations;
 - (e) conform to any notice, order or other decision of any pertinent, administrative organ, authority or person in relation to the commonly owned property;
-

22

- (f) to contract any insurance fixed by or by virtue of this Part or the Regulations;
 - (g) pay any insurance premiums with respect to any insurance contracted by it;
 - (h) dispose of the insurance monies received by it as fixed by or by virtue of this Part or the Regulations.
- (2) For the contracting of any insurance by virtue of sub-section (2) of section 38JB the Management Committee is considered to have an insurable interest at the value of the replacement of the commonly owned property and for the contracting of any insurance allowed by or by virtue of this Part or the Regulations the Management Committee is considered to have an insurable interest in the insured item.
- (3) No insurance which is allowed by or by virtue of this Part and is contracted by the Management Committee with relation to the commonly owned building is not subject to set-off with any other insurance except an insurance allowed by or by virtue of this Part or the Regulations in relation to the same building.
-

23

38KH Powers of the
(Cappu - ita) Management
Committee.

38KH. (1) The Management Committee has power inter alia-

- (a) To establish and keep a fund which it considers to be sufficient and which may be used:
 - (i) For the administration expenses and for the control, the operation, the management and administration of the commonly owned property and for the payment of the insurance premiums; and
 - (ii) for the performance and accomplishment of any task, duty or obligation thereof;
 - (b) to fix from time to time the sums to be received for the purposes referred to in paragraph (a) and the time and place of payment of the sum that has to be paid by virtue of section 38JA by every owner of unit;
 - (c) to collect the sums fixed in the above manner by imposing a contribution to the owners of units by virtue of section 38JA;
 - (d) to recover by action from the owner of unit any amount of money spent by the Management Committee for repairs or works done by it or according to its judgment for the purpose of conforming with any notice, order of a pertinent
-

24

administrative organ, authority or person with relation to part of the building including the unit of the said owner.

- (2) Subject to the provisions of sub-section (3) every contribution imposed as provided in sub-section (1) may be demanded and must be paid after the taking of the relevant decision and the Management Committee may retake by action the contribution by the owner of unit at the time of the taking of such decision and by the owner of unit at the time of the bringing of such action as both of them are responsible jointly and severally.
- (3) The Management Committee, following an application by the owner of unit or any other representative in writing of such owner shall certify-
 - (a) The amount of the contribution of the owner of unit;
 - (b) the mode of payment of the contribution; and
 - (c) the amount of the contribution submitted by the owner of the unit.

The certification shall constitute a prima facie evidence of the matters certified in the certification for the benefit of every person dealing with such owner.

(38KE) General
Coppa - thiba) meeting of
the owners of
units.

38KI. If the General Meeting of the owners of unit is not convened in time according to the provisions of the Regulations, the Director may, after an application of any owner of unit, convene the same and fix the matters for discussion. In such case the provisions of the Regulations governing the general meeting shall be applied as if the general meeting had been convened according to such provisions.

Lamda
(38N)
(mda) Decisions of
the owners of
units.

38L. Every decision of the owners of units taken according to the Regulations and filed in the register of decisions shall bind every owner of unit as if he was the owner of unit at the time of the taking of the decision whether he had become an owner of unit after such decision. Every owner of unit may inspect the register of decisions at reasonable times.

Registration of commonly owned buildings, units
and commonly owned property

Lamda alfa
(38AA) Registration
(lamda-alfa) of commonly
owned
building.

38LA. (1) No registration of commonly owned building, unit, restricted commonly owned property and commonly owned property belonging to the units by virtue of this Part shall be carried out, without adducing all the necessary documents and without keeping all the requirements provided for by the present or any other Law.

(2) The registration of commonly owned building in the Land Register is carried out after an application is being submitted by the owner of the building or the owners of the unit by which it is

being constituted. In the case where any of the said owners refuses to do so the application is being submitted by any of the other owners. In such case the Director has authority to carry out an investigation and register the building as a commonly owned building if he is satisfied accordingly.

For the registration in the Land Register the Director shall register the commonly owned building as commonly owned building and shall register each unit and the restricted commonly owned property granted exclusively to such building and the part in the commonly owned property belonging to such building as fixed by this part. For this purpose the relevant provisions of this Law shall be applied unless a specific provision in this part is made with respect to any matter.

(38AB)
(lambda - delta)
Proviso and transitional provisions.

38LB. Registration of buildings carried out before the coming into force of this Part by virtue of section 6 shall be valid and effective as if this Part had not come into force:

Provided that the provisions of section 38JB to 38L, both inclusive, shall be applied, mutatis mutandis, to buildings registered before the coming into force of this Part by virtue of section 6, as if they had been registered by virtue of this Part.

Regulations

(38AF)
(lambda - gamma)
Regulations.

38LC. (1) The Council of Ministers may issue Regulations and publish the same in the

27

Official Gazette of the Republic for the better application of the provisions of this Part.

- (2) Without prejudice to the generality of sub-section (1), any such Regulations may provide for all or any of the following matters:
 - (a) The fixing of any type of application, notice or other document allowed or demanded by virtue of the provisions of this Part;
 - (b) the fixing of charges and duties with relation to any document or matter by virtue of this Part;
 - (c) generally for the better application of the provisions of this Law and the definition of any matter or thing which needs or allows for definition by virtue of the provisions of this Part."
4. The basic law is being amended by the addition, immediately after the Fourth Schedule, of the Appendix set out in the Schedule of this Law.

"SCHEDULE

(Section 4)

Appendix

(Section 38KA)

**Standard Regulations for the Regulation and Administration
of Commonly Owned Buildings**

PART 1 - INTERPRETATION

1. (1) In these Regulations -
-

"Law" means Part IIA of the Immovable Property (Tenure, Registration and Valuation) Law or any Law amending or replacing the same and includes the Regulations issued by virtue of any provision thereof;

"owner" means the owner of unit.

- (2) Unless a different interpretation is adduced from the context, words or expressions contained in these Regulations have the same meaning ascribed to them by the Law.

PART II - DESCRIPTION OF COMMONLY OWNED BUILDING

2. (Detailed description of the commonly owned building including the commonly owned property, that is to say description of floorings, various units, the restricted commonly owned property, the underground the ceilings, the roof the external constructions, the parking spaces, the installations e.t.c.).

PART III - SCHEDULE A' AND SCHEDULE B'

3. (1) The proportion of the commonly owned property belonging to each unit as provided in section 38I of the Law, and the percentage of the votes allowed by each owner during the poll provided in Regulation 25 shall be set out in a schedule similar to the type of Schedule A' attached to these Regulations.
- (2) The share of each owner in the expenses for the maintenance e.t.c. of the commonly owned property, as provided in Section 38JA of the Law shall be set out in a Schedule similar to the type of Schedule B' attached to these Regulations.

PART IV - POWERS AND DUTIES OF OWNERS OR OCCUPIERS OF UNITS

4. Each owner may carry out alterations, additions or repairs to the internal part of the unit belonging to him, unite adjacent units, increase the extent
-

of a unit belonging to him by uniting with it part of another adjacent unit also belonging to him or by uniting wholly or partly internal stairs or more units belonging to him with one or more units above his unit belonging to him.

Provided that no alteration, addition or repair -

- (a) Shall affect adversely the rights of the owner of any other unit nor shall it interfere with its enjoyment by the owner of any other unit;
 - (b) shall affect in any way the commonly owned property, the smooth operation or enjoyment of the same; and
 - (c) shall not in any way effect the walls supporting the commonly owned building and the external walls, shall not in any way put in danger the safety of the commonly owned building nor shall it affect its external appearance.
5. As soon as he occupies his unit, each owner has an obligation to pay to the Management Committee or the seller, if a Management Committee is not yet appointed, the amount of money fixed according to these Regulations which represents his share for the covering of the initial expenses of administration and management of the commonly owned property. In addition the owners from time to time shall pay to the Management Committee the total amount fixed according to the Law and these Regulations. Each owner shall contribute towards the said amount according to his extent (εμβαδόν) as provided in section 38JA of the Law and as shown in Schedule B' attached to these Regulations. Each person which becomes at a later stage an owner of unit has the same obligation of contribution towards the said amount. The said amount shall be used as a fixed deposit against the common expenses of the commonly owned property including the insurance of the commonly owned building according to the Law.
6. The Management Committee shall submit to the owners a quarterly situation in which there will appear the expenses of the previous three months, their nature and whether any member of the Management Committee who is an owner has contribute towards those expenses. These
-

initial payments by the owners shall be used for the payment of the expenses which came up during the first and the subsequent years. If these initial payments prove to be insufficient for the covering of the expenses of the term, the owners shall increase the aforesaid sum respectively following a notice in writing of the administrative Committee to each owner.

7. No owner or occupier-

(a) Shall use any unit-

- (i) for any illegal purpose;
- (ii) (declare the non allowable uses according to the nature of the building that is to say residence or work);
- (iii) Generally for any use which is possible to cause noise, bad smell or other nuisance or which could become harmful to the health or dangerous for the safety of the owners, employees, lessees, licensees, occupiers or those who use the other units and which is not compatible with the customs and the proper behaviour; or
- (iv) part of the commonly owned property in such a way so as to affect the appearance or the aesthetics of the commonly owned building or the unobstructed and undisturbed use by the owners, employees, lessees, licensees, occupiers or those who use the other units of the commonly owned building.

(b) Shall not transform the initially agreed use of his units to another use which is against these regulations or which is not allowed by the same.

(c) Subject to his rights with relation to any restricted commonly owned property granted for the exclusive use of his unit shall not remove, replace or intervene in any way with any part of the commonly owned property.

8. No owner or occupier without the prior obtaining of the consent of the Administrative Committee and against and in breach of the provisions of any relevant Law or Regulations:-

- (a) Shall erect, expose or place any article or clothing from any balcony, veranda, roof, railing (κυγκλίδωμα), door or window or from any other external part of the commonly owned building so as to be visible from outside;
- (b) shall leave, place or keep any article at the central or auxiliary entrance, on the stair landing, the corridors, the roof, in the lift or in any other part of the commonly owned property;
- (c) shall carry heavy articles with the lift;
- (d) shall change the colour on the windows, doors, balconies (εξώστες) verandas, railings or external walls of the commonly owned building and generally in any construction on an external wall, surface or part of the commonly owned building;
- (e) shall erect, place or allow the erection or placing of any board, placard, advertisement, announcement, illuminating inscription or notice of any kind on any external part of the commonly owned building or the roof or any window or other part of the commonly owned building so as to be visible from outside:

Provided that the owners, employees, lessees, licensees, occupiers or those who use units may place beside the main entrance and beside the entrance of their unit at a proper place fixed by the Management Committee small boards with their names and occupations the size of which may be fixed by the Management Committee.

- (f) shall possess, store or use any articles or materials which may disturb the other owners, employees, lessees, licensees or occupiers of the units or the persons using the units or their neighbours by reason of smell, smoke, dust or ashes arising or created by the same and generally any flammable or dangerous articles or materials nor shall he do anything which is possible to affect or annul any fire
-

insurance with relation to the commonly owned building or the commonly owned property or any part thereof or increase the insurance premiums of such insurance;

- (g) shall use solid fuel for the preparation of food;
- (h) shall pour in the sink, toilet basin, lavatory, bidet, shower or bath or inside the sewerage system any compact or useless items or items which can possibly block the drains or the pipes or pollute the atmosphere or from which their might be emitted, flammable or dangerous fumes, nor shall he pour in the drains or the pipes anything which is possible to cause damage thereto;
- (i) shall place useless items or garbage anywhere else except the garbage pits or the other spaces particularly designed for such purpose;
- (j) shall hang, shake, brush, clean, bit carpets, pillows or other household effects or clothing by any balcony, veranda, roof, railing, stairhead, door or window of any unit or from any part of commonly owned property;
- (ja) shall keep any animal in any unit:

Provided that he may keep a pet which does not cause any disturbance or breach of any Law in force or Regulation.

- (jb) Shall allow the singing or the playing of any musical or mechanical organ or the use of any gramophone, radio, cassette player, television or recording equipment (συσκευής εγγραφής) so as to disturb any owner, employee, lessee or licensee or occupier of any other unit;
 - (jc) shall place or install tends or air-conditioning units on a balcony, veranda, roof, door, window, attic window (φεγγύτη), wall or other external surface of the commonly owned building or above or underneath the same without the prior written consent of the Management Committee in relation to the position, colour, size and shape thereof; ,
-

- (jd) shall erect, show, place or hang-up nor shall he allow the erection showing, placing or hanging up outside his unit or in any external parts of the commonly owned building or in any part of the commonly owned property of a radio or television antenna or wire or pole or any other equipment or article;
- (je) shall place or plant any plant on the balcony, veranda, roof, window, wall or other external surface of the commonly owned building with the exception of decorative plants in elegant pots or other suitable pots in harmony with the whole appearance of the commonly owned building and which have been approved by the Management Committee and do not allow the leakage of water therefrom;
- (jf) shall pour or allow water or other liquids to be poured from his unit unto the units of other owners and the commonly owned property or generally out of the commonly owned building.

9. Every owner has an obligation-

- (a) to allow the Management Committee and its representatives at reasonable hours and after a notice - provided that a notice shall not be demanded for urgent cases - to enter his unit for the purpose of inspection, maintenance, repair or replacement of tubes, wires, cables and pipes of the unit which may be used with relation to the enjoyment of any other unit or the commonly owned property or for the purpose of maintenance, repair or replacement of the commonly owned property or the securing of the application of these Regulations;
 - (b) to promptly carry out every task imposed upon him by a pertinent, administrative organ, authority or person with relation to his unit different from a task in relation to the commonly owned property and to pay every tax, levy and charge paid for his unit;
 - (c) to repair and maintain his unit and keep the same in good condition;
-

- (d) to promptly pay every sum which he has to pay by virtue of the Law and the Regulations;
 - (e) to make known immediately to the Management Committee every change in the ownership, possession or use of his unit;
 - (f) to make known to the Management Committee every absence of himself if that will exceed fifteen days.
10. Every owner has an obligation, when he grants a lease or contracts an agreement of lease, tenancy, licence or other agreement for the possession or use of his unit whether with consideration or without consideration, to secure as part of his obligations that such lease, or tenancy, licence or other agreement shall contain a term with an express notification to the lessee tenant, licensed occupier of the obligations of the owner, employee, lessee or licensed occupier by virtue of these Regulations and with an express commitment of the employee, lessee or licensed occupier with respect to the unconditional acceptance of all the provisions of these Regulations.
11. Every owner has a right to demand, through the Management Committee or directly from the owner in breach, in case the Management Committee neglects or refuses to act on behalf of an owner, that the owner in breach makes good every damage caused by reason of the breach of any of the provisions of these Regulations.
12. Every owner carries a personal responsibility against the other owners and against every third party for every breach of any provision of these Regulations by himself or any other employee, lessee, licensed occupier of his unit with or without consideration and also for any worsening of the situation or damage of the commonly owned property caused by any act or omission of the owner, the employee, the lessee or the licensed occupier.
13. (1) All rights and obligations of the owners arising from the provisions of these Regulations shall continue to belong and burden the owner of each unit whether the unit is being occupied or used by its owner or any other person who derives his rights from such owner or not. If a unit remains unused or empty for any period of time, the owner
-

shall remain responsible for the fulfilment of all his obligations and for the payment of the expenses corresponding to his unit as fixed by these Regulations.

- (2) In case an owner refuses to pay any sum which he owes by virtue of section 38JA, the lessee or legal occupier of such unit may pay the above sum and deduct the same from the sum which he will submit to the owner by way of rent unless private agreement otherwise provides.

PART V - GENERAL MEETING OF OWNERS

- 14 The first General Meeting of the owners shall be convened within three months from the date of registration of the commonly owned building with the Land Register.
- 15 Every subsequent general meeting of the owners shall be convened once a year provided that the period of time between the date of one annual general meeting and the immediately subsequent general meeting shall not exceed fourteen months.
- 16 Every general meeting except the annual general meeting shall be called an extraordinary general meeting.
- 17 The Management Committee may, whenever it considers proper, and shall, after an application in writing of the owners of at least Twenty Five Per cent (25%) of the commonly owned property as fixed by section 8 of the Law and as it appears in Schedule A attached to this regulations, convene an extraordinary general meeting. If the Management Committee does not convene a meeting within 14 days from the day the application was submitted to it, the owners of unit having submitted such application may convene the meeting.
- 18 (a) For each general meeting there must be given a seven days notice fixing the place, the date and the time of the meeting and in case of special matters, the nature of every matter. An accidental omission to give such notice to any owner or the non receipt thereof from any owner shall not annul any procedure in such meeting.
-

- (b) A notice hang up in a conspicuous place in the commonly owned building is considered given to each and every owner of unit on the day of its hanging up.
- 19 Apart from the study of the accounts and the election of the members of the Management Committee by the Annual General Meeting every matter conducted at an Annual General Meeting or an Extraordinary General Meeting is considered special.
- 20 Unless otherwise provided in the Law or the Regulations no matter shall be conducted at any general meeting unless there is a quorum of the persons entitled to vote at the time the Meeting commences its business. A quorum shall be present if there are present in person or by proxy persons which own at least Fifty Per cent (50%) of the commonly owned property as it appears in section 38 of the Law and in Schedule A attached to these Regulations.
- 21 If there is no quorum within half an hour after the time fixed for the general meeting the meeting is cancelled for the same day of the following week at the same place and time. If there is no quorum in such general meeting within half an hour after the time fixed for such meeting the persons present and having a right to vote shall form a quorum.
- 22 At the commencement of the general meeting there shall be elected a Chairman and a Secretary of the meeting.
- 23 The decisions of the general meeting shall be taken by the show of hands unless any owner present in person or by proxy demands the carrying out of a poll. If the carrying out of the poll is not demanded a declaration of the Chairman that a decision was taken by the show of hands shall constitute an irrebuttable evidence for such fact without proof of the number or the percentage of votes given in favour or against the decision. The demand for the carrying out of a poll may be repealed.
- 24 If the carrying out of a poll is demanded, the same is carried out in any manner the Chairman considers proper and the result of such poll shall be the decision of the meeting.
-

- 25 In the case of an inequality of votes either by poll or by the show of hands the Chairman of the meeting shall have a second or casting vote.
- 26 In the case where the decision is taken by the show of hands every owner shall have one vote:
- If the decision is taken by poll every owner shall have the number of votes corresponding to his share in the commonly owned property belonging to his unit as provided in section 38I of the Law and as shown in Schedule A attached to this regulations.
- 27 The votes may be given personally or by proxy whether the decision is taken by the show of hands or by poll.
- 28 The appointment of proxy must be done by a document signed by the person appointing the proxy or by his representative. The proxy may be general or for a specific meeting and it does not have to be an owner.
- 29 If the owner of unit is a legal person he may take part in the meeting and vote by proxy appointed according to the provisions governing such legal person.
- 30 When the unit belongs to more than one owners the co-owners may, by a document signed by all co-owners or their representatives, appoint one of them or any other person being their proxy for all general meetings or for a specific general meeting.
- 31 Unless by or by virtue of the Law a unanimous decision is demanded no owner shall be entitled to vote at any General Meeting unless all the contributions payable with respect to his unit have being paid.
- 32 If the owner is a trustee he shall exercise the right to vote with respect to his own unit excluding the beneficiaries of his trust and the beneficiaries and such beneficiaries shall not have a right to vote.
- 33 The decisions at a general meeting are taken by majority of votes of the persons present and having a right to vote unless a higher or special
-

majority is fixed by the Law or these regulations. When a special majority is fixed by the Law or these Regulations with respect to any matter no decision in relation to that matter shall be valid unless taken by the majority so fixed.

- 34 A decision which imposes to any owner, obligations or payments of any kind or extent not provided by the Law or these regulations or which alters the rights is not valid with respect to such owner unless he consents thereto.
- 35 The Secretary of the general meeting has an obligation to keep minutes of the procedure in a proper manner.

~~VII~~
VI
PART ~~VII~~ - MANAGEMENT COMMITTEE

- 36 During the first general meeting the owners fix the number of persons constituting the Management Committee which may not be more than five and elect the person or the persons constituting the Management Committee.
37. If the members or the Management Committee are more than one a treasurer is elected. If the members do not elect ~~two~~ two, these must be owners of units.
38. If a temporary Management Committee is appointed by virtue of section 38KC of the Law its service shall end on the date of the first general meeting.
39. A General Meeting may alter the number of the members of the Management Committee fixed by virtue of these Regulations or fill in such number by the election of new members if for any reason the number of its members has been reduced.

Provided that if the number of the members of the Management Committee is reduced below the number fixed according to these Regulations the remaining members of the Management Committee have an obligation to convene within ten days an extraordinary general meeting for the election of new members.

- 40 The service of the Management Committee including the service of the members elected by virtue of Regulation 38 lasts until the election of the new Management Committee at the immediately subsequent ordinary general meeting.

Provided that the owners by decision taken at a general meeting may at any time terminate the service of any member of the Management Committee and replace him with another person.

- 41 The members of the Management Committee may be re-elected.
- 42 The members of the Management Committee, if more than two, elect amongst them one to be the Chairman. If the members of the Management Committee exceed two, the decisions are taken by majority. If the votes in favour of a specific proposition are as many as the votes against, the decision is considered rejected.
- 43 The Management Committee exercises all its powers and duties fixed by the Law or these Regulations and any other powers or duties entrusted or imposed upon it by the owners in general meetings.
- 44 The Management Committee may employ persons or representatives and pay them a reasonable remuneration as it shall think proper.
- 45 The Management Committee keeps Profit & Loss Accounts and submits the same for approval with all relevant receipts and information at the ordinary general meeting.
- 46 Every owner may at reasonable times inspect the Profit & Loss Accounts and the relevant receipts and information.
- 47 The financial year with respect to the commonly owned building begins the first day of January and ends the 31st day of December of each year:

Provided that the first financial year begins on the date of registration of the commonly owned building in the Land Register and ends on the 31st day of December of the same year:

Provided further that if the date of registration of the commonly owned building in the Land Register is after the 30th June, the first financial year ends on the 31st day of December of the year immediately after the year of registration.

SCHEDULE "A"(Regulation 3(1))

Commonly owned building known as "....."
situated at

Commonly owned property belonging to each unit by virtue of
section 38I of the Law, and which was calculated according to the
provisions of this section.

1	2	3	4
Floor	Unit Number of Designation (Προσδιορισμού)	Percentage of the Commonly owned property belonging to each unit	Percentage (%) of votes with respect to each unit

SCHEDULE "B"(Regulation 3(2))

Commonly owned building known as "....."
situated at

Participation of the units in the maintenance expenses, etc of
the commonly owned property by virtue of section 38JA of the Law,
calculated according to the provisions of this section.

1	2	3	4
Floor	Unit Number of Designation	Proportion of the extent of the floor (m ²) of each unit	Percentage per thousand (o/oo) in the expenses for the common services ----- Common expenses and other expenses

Note: (a) Heating: Oil consumption, maintenance and repair
expenses of the equipment of the installation
of the central heating.

- 2 -

(b) Common Expenses:

Salary of cleaning lady, cleaning materials, maintenance and repair of lift, consumption of electricity and water, decoration of commonly owned spaces, emptying of cesspools and any other expense not included in (a) and (b).

(c) Other Expenses:

Insurance, General repairs to the commonly owned building, hydraulic and electrical installations."
