

Guidance Notes

Application for Amendment to Strata Articles

These Guidance Notes are of a general nature and are not intended to, and cannot, replace the advice of a Legal Practitioner or Registered Conveyancer.

GENERAL INFORMATION

The Articles set out in Schedule 3 of the *Strata Titles Act 1988* apply to all strata schemes, unless an amendment of articles accommodating the different needs of a strata scheme is lodged in Land Services SA (LSSA). The amended articles will only apply to the strata scheme making the application.

The Strata Corporation can by special resolution agree to amend the existing articles and substitute them with a new version.

The amended articles have no legal effect until they are registered in LSSA. The amended articles must continue to regulate the use and enjoyment within the strata scheme. Any change to the articles must comply with the law, articles cannot be changed to:

- * prevent or restrict alienation of a unit by a unit holder
- * prevent or restrict a unit holder from leasing or granting rights of occupation in respect of a unit
- * prevent an occupier or visitor to a unit who has a disability from keeping or using a relevant animal trained to assist the occupier or visitor at the unit or restrict the use of the relevant animal by such a person

A court may rule the amended articles invalid if they unfairly discriminate against a unit owner or occupier of a unit or contravene legislation.

TYPE OF DOCUMENT

Insert at top of page 1 - Application for Amendment to Articles

CERTIFICATE RELATING TO AMENDMENT

A certificate as set out in Schedule 4 of the *Strata Titles Regulations 2003* completed by an *Officer of the Corporation* is to be included on page 1. Section 23 of the *Strata Titles Act 1988* provides a strata corporation must have a presiding officer, a secretary and a treasurer and unless all of the units comprised in the strata scheme consist of non-residential premises, the officers of a strata corporation must be unit holders.

CERTIFICATION

The application is not required to be certified as correct and compliant with relevant legislation. However, it is highly recommended that the services of a legal practitioner or a registered conveyancer is engaged due to the legal nature of the application.

The current lodgement fee is required to be paid at lodgement.

All handwriting must be in permanent, dense, rapid drying black or blue ink.

Each page must be printed double-sided, where possible

SUPPORTING DOCUMENTATION LODGED WITH APPLICATION

Insert reference to supporting documentation that is required to be lodged with the application.

The following are required to be attached to the document;

- * A full and complete version of the amended articles.
- * A copy of the special resolution amending the articles passed at a duly convened meeting of the corporation.

The Registrar-General may refuse to accept for registration any instrument, annexure sheet or additional or inserted sheets that does not comply with the provisions of these standards.

FORM B2 (Version 4)



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