Changes Pursuant to Strata Titles (Amendment) Act 2013

The Strata Titles (Amendment) Act 2013 ("STAA 2013") is anticipated to come into force soon and will bring about a significant change to the legal landscape relating to strata developments and common property management.

Briefly, the amendments of significant note under the STAA 2013 include:

- the extension of the Strata Titles Act 1985 to Labuan;
- the introduction of the Electronic Land Administration System of Strata Titles;
- a compulsory requirement for the original proprietor to apply for sub-division of a building or land at the super structure stage, thereby requiring the application for sub-division to be made in two stages;
- in the case of phased developments, the issuance of a provisional strata title for a provisional block comprising of land parcels will now be allowed;
- the designation of limited common property and the creation of one or more subsidiary management corporations to represent the different interests of parcel proprietors; and
- the execution of transfer documents of ownership of strata titles by the purchaser within thirty (30) days from the date of issue by the Land Administrator or any extended period by the Director.

Christopher & Lee Ong published two articles relating to this subject in The Sun Daily, a Malaysian newspaper. The articles can be accessed by clicking on the links below.

- Strata Titles (Amendment) Act 2013
- Clarifying a Management Corporation’s Powers

Malaysia’s Personal Data Protection Act 2010

The Personal Data Protection Act 2010 ("PDPA") seeks to regulate the processing of personal data by data users in commercial transactions, and to safeguard the interests of data subjects. The PDPA was slated to come into effect on 16 August 2013. The Personal Data Protection Department of Malaysia ("PDPD") has since indicated that the effective date is likely to be sometime before the end of 2013.

The PDPD has also indicated that the Act will be implemented in 3 stages: (i) 1st phase – registration of data users and information dissemination; (ii) 2nd phase – inspections for compliance to be carried out by the PDPD; and (iii) 3rd phase – audits and commencement of
prosecution for non-compliance.

Data users will be given a 3-month sunrise period from when the PDPA comes into effect to comply with the Act. As one of the requirements for compliance, data users who operate in the 11 sectors identified by the PDPD must register with the PDPD.

The PDPA has commercially far-reaching implications and severe penalties in the event of non-compliance. Data users should therefore thoroughly understand the new data protection regime and its impact on business operations. If companies do not have any data protection policies, they should begin to put in place sound internal policies to ensure compliance with the law.

The above excerpt is adapted from a Rajah & Tann LLP update published in August 2013. Please click here to read the update.

Please note that whilst the information in this Update is correct to the best of our knowledge and belief at the time of writing, it is only intended to provide a general guide to the subject matter and should not be treated as a substitute for specific professional advice.