Great News for By-law Registrations

Great news!

LPI NSW has updated the Registrar-General's directions concerning the requirements to register a Consolidation/Change of By-Laws.

The Registrar-General's directions now state as follows:

A consolidated version of the by-laws affecting the strata scheme must be included as an annexure, incorporate the change that is referred to at panel (E) and include any model by-laws.

Note: It is not acceptable to annex previously registered Change of By-laws forms as if it is a consolidated version.

It is suggested that a consolidated version:

- omit all by-laws that have been previously repealed,
- include all by-laws that have been previously added, and
- include all other by-laws as previously amended, or
- set out in some other way that lists the by-laws that currently affect the strata scheme.

For further information please refer to – LPI NSW Government

A separate Registrar-General's direction for 'Consolidated By-Laws' now says the following:

The following requirements must be complied with:

- The new change of by-law must be made in accordance with a resolution of the owners corporation and a completed Consolidation/Change of By-Laws dealing form (Form 15CH) must be lodged at LPI not more than 6 months after the passing of the resolution to make the by-law (See

section 141 *Strata Schemes Management Act 2015*).

- A consolidated version of by-laws, which incorporates the new change of by-laws, must form an annexure to the Consolidation/Change of By-Laws dealing form (Form 15CH).
- The consolidated version must include those by-laws lodged with (referred to as 'developer by-laws' or 'strata by-laws') or adopted (Model By-laws) by the scheme on the registration of the strata plan together with any changes to those by-laws made since the registration of the strata plan. The text of the by-laws must be fully set out.
- Where the Common Property Memorandum prescribed by the Strata Schemes Management Regulation is adopted:
  – it may be included by reference only if the Common Property Memorandum is adopted in full and without any modifications as follows: "The Common Property Memorandum prescribed under clause 27 *Strata Schemes Management Regulation 2016* has been adopted as a by-law"; or
  – where the Common Property Memorandum has been modified as provided in s. 107(3) *Strata Schemes Management Act 2015*, the full text of the Common Property Memorandum as modified must be included.
- Every subsequent change of by-laws will require a new consolidated list incorporating the change to accompany the Consolidation/Change of By -Laws form.
- The Registrar General may waive the requirement to lodge a consolidated version (see clause 24(3) *Strata Schemes Development Regulation 2016*). A letter setting out the circumstances for assessment by the Registrar General must accompany the dealing.

For further information please refer to – LPI NSW Government

For NSW strata legal or levy collection advice please contact us here or call 02 9562 1266, we're happy to assist.