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STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL)
REGULATIONS, 2024

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STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL)
REGULATIONS, 2024

In exercise of the powers conferred by section 137 of the Strata Management Ordinance, 2019 [*Cap. 76*], the Minister, with the approval of Majlis Mesyuarat Kerajaan Negeri has made the following Regulations:

PART I
PRELIMINARY**Citation and commencement**

1. These Regulations may be cited as the **Strata Management (Strata Management Tribunal) Regulations, 2024**, and shall be deemed to have come into force on the 1st day of January, 2024.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Assistant Secretary” means any officer appointed under section 94(1)(b) of the Ordinance to carry out the function and duties of the Secretary;

“Ordinance” means the Strata Management Ordinance, 2019 [*Cap. 76*];

“Register” means the Register of the Strata Management Tribunal;

“President” means any member of the Tribunal who presides over any proceedings in respect of any claim brought before the Tribunal;

“Secretary” means the secretary of the Tribunal appointed under section 94(1)(a) of the Ordinance and includes an Assistant Secretary, if any;

“Tribunal” has the same meaning assigned to it under the Ordinance.

Jurisdiction

3. The Tribunal shall hear and determine any claim specified in Part 1 of the Ninth Schedule of the Ordinance.

Prescribed fee

4. The fees to be paid under these Regulations shall be as prescribed in the First Schedule.

Forms

5. The forms referred to in these Regulations shall be as prescribed in the Second Schedule.

PART II
COMMENCEMENT OF PROCEEDINGS

Statement of claim

- 6.—(1) Every claim filed with the Tribunal shall be in Form 1.
- (2) The Claimant shall state in Form 1 the amount and particulars of the claim.
- (3) Form 1 shall be—
- (a) signed or thumb-printed, in the case where the claimant is an individual; or
- (b) signed by an authorized person together with the full name of the signatory and affixed with the company's official stamp or common seal, in the case where the claimant is a corporation or an unincorporated body of persons.

Filing of statement of claim

7. Form 1 shall be filed in four copies in the Tribunal's Registry together with the prescribed fee and where there is more than one respondent, with an additional copy for every additional respondent.

Statement of claim to be sealed, etc., and entered in the Register

- 8.—(1) On receipt of Form 1, the Secretary shall cause the copies filed—
- (a) to be dated and signed;
- (b) to be sealed with the seal of the Tribunal.
- (2) Every claim shall be distinguished by a number and the year in which it is filed.
- (3) After a claim has been entered in the Register, the Secretary shall retain two copies of the signed and sealed copies of Form 1 and cause the other signed and sealed copies of Form 1 to be returned to the claimant.

Service of statement of claim

9. For the purpose of service, the signed and sealed copy of Form 1 shall be valid for a period of six months from the date of issuance of such form and the claimant may, subject to the payment of prescribed fee, file a fresh claim with the Tribunal after its expiry.

Defence and counter-claim

10.—(1) Once the respondent has been duly served with Form 1, he shall deliver his defence in Form 2 within fourteen days after such service.

(2) Form 2 shall contain:

- (a) admission to the claim if the respondent admits the claim;
- (b) particulars as to why the respondent disputes the claim.; or
- (c) particulars of counterclaim if the respondent has a counterclaim.

(3) Form 2 shall be—

- (a) signed or thumb-printed, in the case where the claimant is an individual; or
- (b) signed by an authorized person together with the full name of the signatory and affixed with the company's official stamp or common seal, in the case where the claimant is a corporation or an unincorporated body of persons.

Filing of statement of defence

11. Form 2 shall be filed in four copies with the Tribunal together with the prescribed fee and where there is more than one claimant, with an additional copy for every additional claimant.

Statement of defence to be sealed, etc., and entered in the Register

12.—(1) On receipt of Form 2, the Secretary shall cause the copies filed—

- (a) to be dated and signed;
- (b) to be sealed with the seal of the Tribunal; and
- (c) to be entered in the Register.

(2) After a statement of defence has been entered in the Register, the Secretary shall retain two copies of the signed and sealed copies of Form 2 and the other signed and sealed copies of Form 2 to be returned to the respondent.

Service of statement of defence

13. The respondent shall serve one signed and sealed copy of Form 2 on each claimant within fourteen days from the date of receipt of such Form from the Secretary.

Defence to counter claim

14.—(1) Every defence to counterclaim filed with the Tribunal shall be in Form 3.

(2) Form 3 shall be—

- (a) signed or thumb-printed, in the case where the claimant is an individual; or

(b) signed by an authorized person together with the full name of the signatory and affixed with the company's official stamp or common seal, in the case where the claimant is corporation or an unincorporated body of persons.

(3) The claimant shall, within fourteen days from the date of receipt of the signed and sealed copy of Form 2, file a defence to such counterclaim in Form 3 with the Tribunal.

(4) Sub-regulations 10(2) and (3), regulations 11, 12 and 13 shall apply with the necessary modifications to a defence to counterclaim.

PART III SERVICE

Address of service

15. Every document which is served to the Tribunal shall state the name and address of the party serving the document and that address shall be deemed to be the address of service of the party.

Manner of service

16.—(1) Any document required to be served on any person under these Regulations may be served and shall be deemed to have been served on that person by serving a copy of such document—

(a) personally;

(b) by pre-paid registered post or courier service addressed to the last-known address of business, registered office, parcel or residence of the person to be served; or

(c) by attaching the document at a prominent part of the last-known address of business, registered office, parcel or residence of the person to be served.

(2) Notwithstanding sub-regulation (1), service of notification by the Tribunal on any person may be effected by sending the notification by way of email or other electronic means—

(a) to that person in the case of an individual; or

(b) to the authorized person of such corporation or an unincorporated body of persons, in the case of a corporation or an unincorporated body of person.

Date of service

17.—(1) The date on which any document has been served in accordance with regulation 16 shall be deemed to be the date of service of such document.

(2) For the avoidance of doubt, where any document is served by post, the date of posting shall be deemed to be the date of service of such document.

Substituted service

18.—(1) Notwithstanding regulation 16, if it appears to the Tribunal that it is impracticable for any reason to serve that document by any manner of service as specified therein, the Tribunal may make such direction for substituted service of any document as it may think appropriate.

(2) An application for substituted service shall be made by notice of application in Form 4 stating the facts on which the application is founded.

PART IV PROCEDURE

Secretary to issue notice of hearing

19.—(1) Upon a claim in Form 1 being filed with the Tribunal, the Secretary shall fix the date, place and time of hearing in Form 5 and thereafter serve it on the claimant and the respondent not less than fourteen days before the date of the hearing.

(2) Notwithstanding sub-regulation (1), any parties may apply for the adjournment of hearing by submitting return application to the Tribunal nor later than fourteen days from the date of hearing.

Award when statement of defence is not filed

20.—(1) Where the respondent does not file his defence as specified in regulation 10, the Tribunal may—

- (a) make an award for the claimant in Form 6 on the hearing date; or
- (b) allow the respondent to submit his defence orally and proceed with the hearing.

(2) Where any award is made under this regulation, such award shall be served on all parties.

Award for admission of claim

21. Where the respondent admits the claim in his statement of defence, the Tribunal shall make an award for the claimant in Form 7.

Non-appearance of parties

22.—(1) Where the claimant does not appear on the date, at the time and place fixed for the hearing but the respondent appears, the Tribunal may, if it is satisfied that the notice of hearing has been duly served—

- (a) dismiss the claim, if the respondent has no counter-claim;
 - (b) make an award for the counter-claim, if the respondent has a counter-claim; or
 - (c) adjourn the hearing to a later date, as may be appropriate.
- (2) An award made under sub-regulation (1)(a) and (b) shall be in Form 8.
- (3) If respondent does not appear on the date, at the time and place fixed for the hearing but the claimant appears, the Tribunal may, if it is satisfied that the notice of hearing has been duly served—
 - (a) proceed with the hearing in the absence of the respondent;
 - (b) dismiss the counter-claim, if the respondent has a counter-claim; or
 - (c) adjourn the hearing to a later date, as may be appropriate.
- (4) Before disposing of the claim in the absence of the respondent, the Tribunal shall consider any representation submitted by the claimant.
- (5) An award made where the respondent is absent shall be in Form 8.
- (6) If neither party appears on the date, at the time and place fixed for the hearing, the Tribunal may, subject to regulation 48, strike out the action.
- (7) Where an award is made under this regulation, such award shall be served on all parties pursuant to regulation 16.

Hearing

- 23.—**(1) At the hearing before the Tribunal, the claimant shall be entitled to adduce evidence, call any witness or produce any document, record or thing to support his case.
- (2) After the claimant has presented his case, the respondent shall present his case and may adduce evidence, call any witness or produce any document, record or thing to support his case.
 - (3) After the claimant and respondent have closed their respective cases, a brief oral or written submission may be made by the respondent and thereafter by the claimant.
 - (4) The Tribunal may at any time assist the parties in conducting their cases.
 - (5) An award made after the hearing under this regulation shall be in Form 10.
 - (6) Notwithstanding anything to the contrary therein contained in these Regulations, the Tribunal may conduct the proceedings and the hearing in such manner including remote communication technology, and give order as it thinks appropriate, necessary or expedient.

Settlement

24.—(1) The parties may, at any time before the delivery of award by the Tribunal, agree on a settlement.

(2) Where the parties reached an agreed to such settlement, the Tribunal shall approve and record the settlement in Form 11.

Service of award

25. The Secretary shall serve a copy of the award made by the Tribunal under these Regulations on the claimant and the respondent.

PART V
SUMMONS TO APPEAR

Application for summons to appear

26.—(1) The claimant or respondent may, at any stage of the proceedings by way of a notice of application in Form 12, apply to the Tribunal to summon any person to appear as witness or to produce any document, record or other things in his possession before the Tribunal.

(2) Form 12 shall contain the grounds of the application in detail as to the reason the person, document, records or other things as specified in sub-regulation (1) is required in the proceedings.

(3) The Tribunal may, in its discretion, allow the application conditionally or otherwise, or refuse the application.

(4) Form 11 shall be filed with the Tribunal in three copies and attached with the summons to appear in Form 13.

(5) The Tribunal shall register a summons to appear in Form 13 in cases where the application has been allowed under sub-regulation (3) and shall cause two signed and sealed copies of Form 13 to be returned to the person who applies for the summons to appear.

Service of summons to appear

27. Any person who applies for a summons to appear shall, within fourteen days from the receipt of the signed and sealed copies of Form 13 from the Tribunal, serve one copy of such Form on the person named in the summons.

Payment to person summoned

28. Any person who applies for a summons to appear shall pay the person named in the summons an amount prescribed in the First schedule and any travelling expense reasonably spent and approved by the Tribunal.

Failure to appear

29. Where any person fails to appear as a witness or to produce any document, records or other things in his possession as set out in Form 13, the Tribunal may apply to a court for an order for committal of contempt of court.

PART VI
INTERLOCUTORY ORDER

Application for interlocutory order

30.—(1) Every application for an interlocutory order shall be made by way of notice of application in Form 14.

(2) Form 14 shall be filed with the Tribunal together with the prescribed fee in sufficient copies with the consideration of the number of parties involved and two copies to be kept by the Tribunal.

(3) Form 14 shall contain in detail the prayers and grounds of application.

(4) Form 14 shall be—

(a) signed or thumb-printed, in the case where the applicant is an individual; or

(b) signed by an authorized person together with the full name of the signatory and affixed with the company's official stamp or common seal, in the case where the claimant is a corporation or an unincorporated body of persons.

Application to be sealed, etc., and entered in the Register

31.—(1) On receipt of Form 14, the Secretary shall cause the copies filed—

(a) to be dated; and

(b) to be given the date, place and time of the hearing of the application;
and

(c) to be sealed with the seal of the Tribunal.

(2) The Secretary shall cause every application filed to be entered in the Register kept at the Tribunal.

Service of interlocutory application

32.—(1) After an application for an interlocutory order has been entered in the Register, the Secretary shall retain two signed and sealed copies of Form 14 and the other signed and sealed copies of Form 14 to be returned to the applicant.

(2) The applicant shall, within fourteen days from the date of receipt of such Form from the Tribunal, serve the signed and sealed copies of Form 14 on the respondent.

(3) Where the applicant fails to serve the signed and sealed copies of Form 14 on the respondent within the time set out in sub-regulation (2), the application shall be struck out.

Hearing of application for interlocutory order

33.—(1) The hearing of an application for an interlocutory order shall, unless the Chairman directs otherwise, be heard before or any member acting on his behalf.

(2) At the hearing of the application, the applicant shall be entitled to adduce evidence or produce any document, record or thing in support of his application.

(3) The provisions of section 100 of the Ordinance shall apply in hearing of an application in this regulation.

(4) An order made under this regulation shall be in Form 15 and may be subjected to such terms and conditions as the Tribunal thinks fit.

(5) The Chairman may issue any direction under these regulations as he deems appropriate from time to time.

PART VII SECURITY FOR COSTS

Security for costs of action

34.—(1) Every application for security for costs shall be made by way of notice of application in Form 14.

(2) Where, on the application of a respondent to an action or other proceedings in the Tribunal, it appears to the Tribunal—

(a) that the claimant is not a Malaysian citizen or ordinarily resident out of the jurisdiction;

(b) that the claimant (not being a claimant who is suing in a representative capacity) is a nominal claimant who is suing for the benefit of some other person and there is reason to believe that he will be unable to pay the costs of the respondent if ordered to do so;

(c) subject to sub-regulation (3), that the claimant's address is not stated in any claim or application made in the Tribunal or is incorrectly stated therein; or

(d) that the claimant has changed his address during the course of the proceedings with a view to evading the consequences of the litigation, then, if, having regards to all the circumstances of the case, the Tribunal thinks it just to do so, the Tribunal may order the claimant to give such security for the respondent's costs of the action or other proceedings as it thinks just.

(3) The Tribunal shall not require a claimant to give security by reason only of sub-regulation (2)(c) if he satisfies the Tribunal that the failure to state his address or the misstatement thereof was made innocently and with no intention to deceive.

(4) Where, on the application of a respondent to an action or other proceedings in the Tribunal, it appears to the Tribunal that—

(a) a party, who is not a party to the action or proceedings (who is referred to as a “non-party”), has assigned the right to the claim to the claimant with a view to avoid his liability for costs; or

(b) the non-party has contributed or agreed to contribute to the claimant’s costs in return for a share or any money or property which the claimant may recover in the action or proceedings, and the non-party is a person against whom a costs order may be made, then, if, having regard to all the circumstance of the case, the Tribunal thinks it just to do so, it may order the non-party to give such security for the respondent’s costs of the action or other proceedings as the Tribunal thinks just.

(5) An application for an order under sub-regulation (4) shall be made by way of a notice of application in Form 13, which shall be served on the non-party personally and on every party to the proceedings.

(6) The grounds to support the application shall be served with the notice of application on every person on whom the notice of application is required to be served.

(7) The references in the foregoing paragraphs to a claimant and a respondent shall be construed as references to the person (howsoever described on the record) who is in the position of claimant or respondent, as the case may be, in the proceedings in question, including the proceedings on a counterclaim.

(8) An order made under this regulation shall be in Form 15 and may be subjected to any terms, as the Tribunal thinks fit.

Manner of giving security

35. Where an order is made requiring any party to give security for costs, the security shall be given in such manner, at such time, and on such terms, if any, as the Tribunal may direct.

Saving

36. An order under regulation 34 is without prejudice to the provisions of any written law which empowers the Tribunal to require security to be given for the costs of any proceedings.

PART VIII
DISCOVERY AND PRODUCTION OF DOCUMENTS OR MATERIALS

Order for discovery

37.—(1) The Tribunal may at any stage of proceedings, order any party to give discovery and production of documents or materials which are or have been in his possession, custody or power for the expeditious determination of the claim.

(2) Notwithstanding sub-regulation (1), the claimant or respondent may at any stage of the proceedings by way of notice of application in Form 14 attaching a list of documents, apply to the Tribunal to direct any party or parties to give discovery and production of documents or materials which are or have been in his possession, custody or power for the expeditious determination of the claim.

(3) Form 14 shall contain details of the grounds of the application made under sub-regulation (2).

(4) An order made under this regulation shall be in Form 15 and subject to such terms as the Tribunal may direct.

Failure to comply order

38. Where any party who is required to make discovery and production documents or materials, fails to comply with such order, the Tribunal may make an order as it thinks fit and just, in particular, an order that the claim be dismissed or an order that the defence be struck out and an award be made accordingly.

PART IX
INTERROGATORIES

Interrogatories to be answered

39.—(1) The claimant or respondent may at any stage of the proceedings by way of notice of application in Form 14 apply to the Tribunal for an order—

(a) to serve on any other party interrogatories relating to any matter in question between the applicant and that other party in the claim; and

(b) requiring that other party to answer the interrogatories within a specific period of time as may be determined by the Tribunal.

(2) Form 14 shall contain the grounds for the interrogatories.

(3) A copy of the proposed interrogatories shall be attached together with the notice of application in Form 14.

(4) An order made under this regulation shall be in Form 15 and on such terms as the Tribunal may direct.

(5) Where any party who is required to answer the interrogatories fails to comply with such order, the Tribunal may make an order as it thinks fit and just including an order that the claim be dismissed or the defence be struck out and an award be made accordingly.

PART X TRIBUNAL EXPERT

Appointment of expert to report on certain question

40.—(1) In any cause or matter in which any question for an expert witness arises, the Tribunal may at any time, on its own motion or on the application of any party, appoint an independent expert or, if more than one of such question arises, appoint two or more such experts, to inquire and report upon any question of fact or opinion not involving questions of law or of its construction.

(2) An expert appointed under this regulation shall be referred to as a “Tribunal expert”.

(3) Any Tribunal expert in a cause or matter shall, if possible, be a person agreed between the parties. In the event the parties are unable to agree on a Tribunal expert, the decision of the Tribunal shall be final.

(4) In this Part “expert”, in relation to any question arising in a cause or matter, means any person who has such knowledge or experience of or in connection with that question that his opinion on it would be admissible in evidence.

Report of Tribunal expert

41.—(1) The Tribunal expert shall send his report to the Tribunal, together with such number of copies thereof as the Tribunal may direct, and the Secretary shall send copies of the report to the parties.

(2) The Tribunal may direct the Tribunal expert to make a further or supplemental report.

(3) The Tribunal shall give due consideration to the Tribunal expert’s report but shall not be bound by such report.

Experiments and tests

42. Where the Tribunal expert is of the opinion that an experiment or test of any kind (other than one of a trifling character) is necessary to enable him to make a satisfactory report, he shall inform the parties and shall, if possible, make an arrangement with them as to the expenses involved, the person to attend and other relevant matters and if the parties are unable to agree on any of those matters, it shall be settled by the Tribunal.

Cross-examination of Tribunal expert

43. Any party may, within fourteen days after receiving a copy of the Tribunal expert’s report, apply to the Tribunal for leave to cross-examine the expert

on his report, and on that application, the Tribunal shall make an order for the cross-examination of the expert by all the parties either—

- (a) at the hearing; or
- (b) before an examiner at such time and place as may be specified in the order.

Remuneration of Tribunal expert

44.—(1) The remuneration of the Tribunal expert shall be fixed by Tribunal and shall include a fee for his report and proper sum for each day during which he is required to be present either in Tribunal or before an examiner.

(2) Without prejudice to any order providing for payment of the Tribunal expert's remuneration as part of the costs of the cause or matter, the parties shall be jointly and severally liable to pay the amount fixed by the Tribunal for his remuneration, but where the appointment of a Tribunal expert is opposed, the Tribunal may, as a condition of making the appointment, require the party applying for the appointment to give such security for the remuneration of the expert as the Tribunal thinks fit.

Calling of expert witnesses

45. Where a Tribunal expert is appointed in a cause or matter, any party may, on giving the other party a reasonable time before the trial notice of his intention to do so, call an expert witness to give evidence on the question reported by the Tribunal expert but no party may call more than one such witness without the leave of the Tribunal, and the Tribunal shall not grant leave unless it considers it reasonable in the circumstances of the case.

PART XI MISCELLANEOUS

Setting aside award

46.—(1) Any award obtained where any one party does not appear at the hearing, or any award made pursuant to regulation 20(a), may be set aside by the Tribunal on the application of the aggrieved party on such conditions as it thinks just.

(2) The application under sub-regulation (1) shall be made in Form 16 in three copies and contain grounds, in detail, the reason the award should be set aside together with the prescribed fee and shall be made within thirty days after the award has been served on the aggrieved party.

(3) Form 16 shall be served by the aggrieved party by the other party, or if more than one party, to all the other parties.

Slip Rule

47.—(1) Pursuant to section 106(5) of the Ordinance, the Tribunal may, on its own motion or on application in writing by any party to the proceedings, rectify a clerical mistake in any award or errors arising in the award from any slip or omission.

- (2) The rectification or correction under this regulation shall not—
- (a) be made as a reason for re-arguing the case; or
 - (b) be used for the purpose of damaging arguments already considered by the Tribunal or because a party has failed to present the argument in all its aspects or as well as it might have been put.

Adjournments

48. The Tribunal may from time to time adjourn a hearing to a specified date, time and place in such manner by such medium and on such conditions as it thinks just.

Costs

- 49.** The Tribunal may in its discretion award—
- (a) costs of any expert appointed under the Ordinance of these regulations; and
 - (b) other costs as the Tribunal deemed necessary.

Notes of evidence

- 50.** The President shall—
- (a) take notes of evidence;
 - (b) state the terms of any particular questions or answer;
 - (c) make a note of the award made; and
 - (d) sign or initial the notes of evidence.

Records of proceedings to be kept

- 51.—(1)** The Secretary shall keep records of all proceedings of the Tribunal.
- (2) The records required by these Regulations shall be kept by making entries in the respective case file.

Document from government department or local authority

52. Where in any proceedings, a document from a government department or local authority is tendered before the Tribunal by any party to the proceedings, no officer of the government department or local authority from where the document is procured shall be summoned or cross-examined with regard to the contents of the document unless the Tribunal orders otherwise.

Electronic filing of application or document

53.—(1) The Tribunal may provide a service for the electronic filing or lodging of any document required by these Regulations to be filed or lodged with the Tribunal.

(2) An application or document electronically filed or lodged under these Regulations shall be deemed to have satisfied the requirement for filing or lodgement if the application or document is communicated or transmitted to the Tribunal in such manner as approved by the Tribunal.

(3) An application or document which is required to be affixed, signed or sealed shall, if it is electronically filed or lodged, be certified or authenticated in such manner as approved by the Tribunal.

Evidentiary value of copies of electronically filed application or document certified by the Secretary

54.—(1) A copy of the extract from any document electronically filed or lodged with the Tribunal under regulation 53 which is supplied or issued by the Secretary and certified to be a true copy thereof or extract therefrom under the signature of the Secretary shall be admissible in evidence in any proceedings as equal as the original.

(2) Where an application or document is electronically filed or lodged with the Tribunal, the Secretary or the officers and staff of the Tribunal shall not be liable for any loss or damage suffered by any person by reason of any error or omission of whatever nature or however appearing in any document obtained by any person under the service referred to in sub regulation (1), if such error or omission was made in good faith and in the ordinary course of the discharge of the duties of the Secretary or of the officers and staff of the Tribunal or occurred or arose as a result of any defect or any breakdown in the service or in the equipment used for the provision of the service.

(3) Where an application or document is filed or lodged with the Tribunal which does not comply with any requirement set out in regulation 53, the Secretary may serve on the person by whom the application or document was filed or lodged (or, if there are two or more such persons, on any of them) a notice indicating the requirement which the document does not comply with.

(4) Where a replacement application or document—

(a) is filed or lodged with the Secretary within fourteen days after the receipt of the notice in sub-regulation (3); and

(b) complies with the requirement of this regulation, the application or document shall be deemed to have been filed or lodged with the Tribunal.

FIRST SCHEDULE

PRESCRIBED FEES

(Regulation 4)

<i>No.</i>	<i>Proceedings</i>	<i>Forms</i>	<i>Fee</i>
1.	Filing of statement of claim for residential	1	100.00
2.	Filing of statement of claim for commercial/industrial	1	200.00
3.	Filing statement of defence and counterclaim for residential	2	100.00
4.	Filing statement of defence and counterclaim for commercial/industrial	2	200.00
5.	Filing defence to counter claim for residential	3	100.00
6.	Filing defence to counter claim for commercial/industrial	3	150.00
7.	Payment to the person summoned	12	300.00
8.	Filing of notice of application for residential	13	50.00
9.	Filing of notice of application for commercial/industrial	13	100.00
10.	Filing of application to set aside award for residential	15	100.00
11.	Filing of application to set aside award for commercial/industrial	15	300.00

SECOND SCHEDULE

FORMS

(Regulation 5)

STRATA MANAGEMENT ORDINANCE, 2019

FORM 1

(Regulation 6)

STATEMENT OF CLAIM

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

Name of claimant:	
NRIC No. / Company No. / Registration No.	
Address:	
Tel. No.: H/P No.: Fax No.:	
Name of Respondent:	
NRIC No. / Company No. / Registration No.	
Address:	
Tel. No.: H/P No.: Fax No.:	
Claimant's claim:	
Particulars of claim:	

Date

*Signature/Right thumb-print and full name
(if an individual)/Full name of the
authorized person, designation and official
stamp/common seal (if a company or body
corporate)*

Date

Secretary

(SEAL)

TO THE RESPONDENT

If you dispute the claimant's claim, you shall file in your statement of defence in Form 2 within fourteen (14) days from the receipt of this Form.

INSTRUCTIONS TO THE CLAIMANT

1. You shall fill in your name in full your identity card number/company number/registration number, your address and telephone number/handphone number/fax number in the column provided.
2. You shall fill in the name of the respondent in full, identity card number/company number/registration number, telephone number/handphone number/fax number and his last-known address in the column provided.
3. You shall state the order sought in the column provided.
4. You shall state the particulars of your claim in the column provided. The particulars shall include the relevant date and how the claim has arisen or what is the basis of the claim.
5. If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.
6. Having filled in the particulars, you shall sign this form personally. In the case of a corporation or an incorporated body of persons, you shall state the full name of the authorized person with his designation and affix the official stamp or common seal.
7. Having completed and signed this Form in four copies, and where there is more than one respondent, with an additional copy for every additional respondent, with the Tribunal together with payment of the prescribed fee. The Tribunal will affix the seal of the Tribunal on all copies, and all except two copies of this Form shall be returned to you. You must then serve one copy of the signed and sealed Form on each respondent.
8. You cannot be represented by an advocate and solicitor at the hearing. However, you may apply to the Tribunal at the hearing to be represented by an advocate and solicitor provided that you can show that the matter in question involves complex issues of law and you will suffer severe financial hardship if you are not legally represented by such advocate and solicitor.

INSTRUCTIONS TO RESPONDENT:

1. When you receive this Form signed and sealed by the Tribunal, you are being sued by the claimant.
2. If you dispute the claim you shall state your defence, with particulars, in Form 2.
3. You shall file in your statement of defence in Form 2 with the Tribunal together with the prescribed fee.
4. If you fail to file your statement of defence within the prescribed time or if you fail to appear before the Tribunal on the hearing date, the Tribunal may make an award in favour of the claimant.
5. You cannot be represented by an advocate and solicitor at the hearing. However, you may apply to the Tribunal at the hearing to be represented by an advocate and solicitor provided that you can show that the matter in question involves complex issues of law and you will suffer severe financial hardship if you are not legally represented by such advocate and solicitor.

STRATA MANAGEMENT ORDINANCE, 2019
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024

FORM 2
(Regulation 10)

STATEMENT OF DEFENCE AND COUNTER CLAIM
IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

Name of claimant:	
NRIC No. / Company No. / Registration No.:	
Address:	
Tel No.:	
H/P No.:	
Fax No.:	
Name of Respondent:	
NRIC No. / Company No. / Registration No.:	
Address:	
Tel No.:	
H/P No.:	
Fax No.:	
Statement of defence:	
Counterclaim:	

Date

Signature/Right thumb-print and full name
(if an individual)/Full name of the
authorized person, designation and official
stamp/common seal (if a company or body
corporate)

Date

Secretary

(SEAL)

INSTRUCTIONS TO THE RESPONDENT

1. If you admit the claimant's claim, you may state in the column provided for the statement of defence that you admit the claim.
2. If you dispute the claim, your statement of defence shall contain particulars as to why you dispute the claim.
3. If you have counterclaim, you shall state your counterclaim with particulars in the column provided.
4. If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this form.
5. You shall file your statement of defence (and counterclaim if any) within the fixed time limit, otherwise an award will be made in favour of the claimant.
6. You shall sign and file four copies of this Form and where there is more than one claimant, with an additional copy for every additional claimant with the Tribunal together with payment of the prescribed fee.
7. The Tribunal will affix the seal of the Tribunal on all copies, and all except two copies of the Form shall be returned to you. You must then serve one copy of the signed and sealed Form on each claimant.

STRATA MANAGEMENT ORDINANCE, 2019
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024
FORM 3
(Regulation 14)
DEFENCE TO COUNTER CLAIM
IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

Name of claimant:	
NRIC No. / Company No. / Registration No.:	
Address:	
Tel No.: H/P No.: Fax No.:	
Name of Respondent:	
NRIC No. / Company No. / Registration No.:	
Address:	
Tel No.: H/P No.: Fax No.:	
Defence to counterclaim:	

Date

Signature/Right thumb-print and full name
(if an individual)/Full name of the
authorized person, designation and official
stamp/common seal (if a company or body
corporate)

Date

Secretary

(SEAL)

INSTRUCTIONS TO THE CLAIMANT

1. If you admit the respondent's counterclaim, you shall state in the column provided for defence to counterclaim that you admit the counterclaim.
2. If you dispute the counterclaim, your defence to the counterclaim shall contain particulars as to why you dispute the counterclaim.
3. You shall sign and file four copies of this Form and where there is more than one respondent, with an additional copy for every additional respondent with the Tribunal together with payment of the prescribed fee.
4. The Tribunal will affix the seal of the Tribunal on all copies, and all except two copies of the Form shall be returned to you. You must then serve one copy of the signed and sealed Form on each respondent.

SARAWAK LAWNET

STRATA MANAGEMENT ORDINANCE, 2019
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024

FORM 4

(Regulation 17)

NOTICE OF APPLICATION FOR SUBSTITUTED SERVICE

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

This application for substituted service is brought by

Attached is the affidavit by

(Name of applicant/person who actually tried to serve the notice to the Respondent)

which states the facts showing that substitute service of is required.

The Applicant requests to the Tribunal to direct that the claim/defence to be served by substitute service.

Date

*Signature/Right thumb-print and full name
(if an individual)/Full name of the
authorized person, designation and official
stamp/common seal (if a company or body
corporate)*

STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024

FORM 5

(Regulation 19(1))

NOTICE OF HEARING

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

TAKE NOTICE that the above claim will be heard on the day of at (address of place of hearing) at a.m / p.m.

Please bring all witness, documents, records, materials or properties, whichever is concerned, to support your claim/defence and counterclaim.

Dated the day of

(SEAL)

.....
Secretary

STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024

FORM 6

(Regulation 20(a))

AWARD WHEN STATEMENT OF DEFENCE IS NOT FILED

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

The statement of claim (Form 1) has been duly served on the Respondent and the Respondent has failed to file his defence within the stipulated time. The Tribunal hereby make the following award:

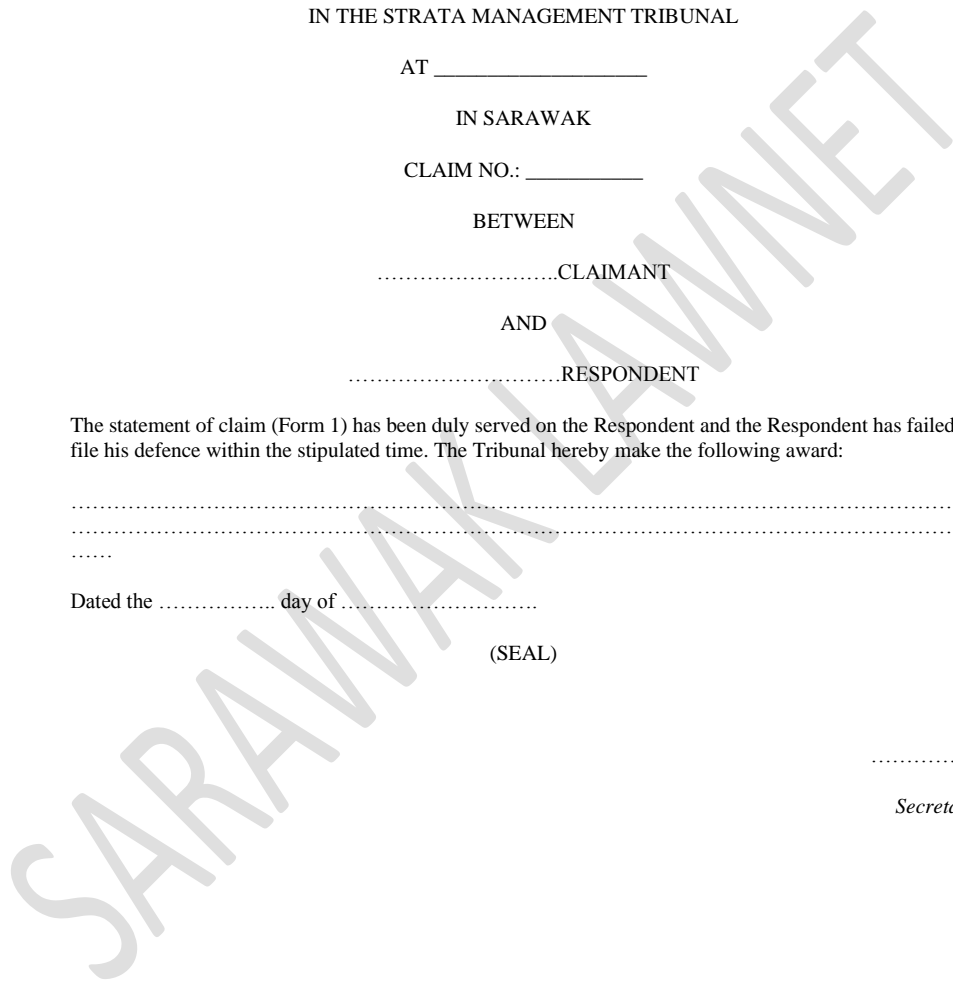
.....
.....
.....

Dated the day of

(SEAL)

.....

Secretary



STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024

FORM 7

(Regulation 21)

AWARD WHERE RESPONDENT ADMITS CLAIM

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

The respondent having admitted the claim, the Tribunal hereby orders:

.....
.....

Dated the day of

(SEAL)

.....
Secretary

STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024

FORM 8

(Regulation 22 (2))

AWARD FOR RESPONDENT WHERE CLAIMANT IS ABSENT

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

This action having this day been called on for hearing before in the presence of the Respondent, and in the absence of the Claimant, the Tribunal hereby orders:

Dated the day of

.....

President

(SEAL)

STRATA MANAGEMENT ORDINANCE, 2019
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024

FORM 9

(Regulation 22(5))

AWARD FOR CLAIMANT WHERE RESPONDENT IS ABSENT

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

This action having been called for hearing beforein the presence of
as claimant, and in the absence of the respondent, the Tribunal hereby orders:

Dated the day of

.....
President

(SEAL)

STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024

FORM 10

(Regulation 23(5))

AWARD AFTER HEARING

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

This action having been heard before on at, the Tribunal hereby orders:

Dated the day of

.....

President

(SEAL)

STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024

FORM 11

(Regulation 24(2))

AWARD BY CONSENT

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

This action having this day been called on for hearing before in the presence of the claimant and the respondent, and both parties having consented, the Tribunal hereby orders:

.....
.....
.....

Dated the day of

.....

President

(SEAL)

STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024

FORM 12

(Regulation 26(1))

NOTICE OF APPLICATION FOR SUMMONS TO APPEAR

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

The Claimant/Respondent hereby applies to summon:

Name of witness : _____
 NRIC No. : _____
 Designation : _____
 Address : _____
 Grounds of : _____
 Application : _____

Dated the day of

(SEAL)

.....
Claimant/Respondent

INSTRUCTIONS TO THE CLAIMANT/RESPONDENT

1. You shall fill your witness' full name, identity card number, designation and the last-known address of the witness in the column provided.
2. You shall state in the column provided your ground of application and shall contain in detail as to why the person, document, records or other things are required in the proceedings.
3. If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.
4. Having filled in the particulars, you shall sign this Form personally. In the case of corporation or an unincorporated body of persons, you shall state the full name of the authorized person with his designation and affix the official stamp or common seal.

5. Having completed and signed this Form, you shall file this Form with the Tribunal in three copies and attach the summons to appear in Form 13. The Tribunal may, in its discretion, allow the application conditionally or otherwise, or refuse the application.
6. The Tribunal shall register any summons to appear in Form 13 and shall cause two signed and sealed copies of Form 13 to be returned to you. You must then serve one signed and sealed copy of Form 13 together with the payment to the person summoned in accordance to the amount as prescribed in the First Schedule within fourteen (14) days from the date of receipt of such copies on the person named in the summons. You shall be responsible for any additional expenses by the person being summoned on top of the fees prescribed in First Schedule.
7. The documents shall be served by way of –
 - (a) personally; or
 - (b) by registered post addressed to the last-known address of business, registered office, parcel or residence of the person to be served; or
 - (c) by attaching the document at a prominent part of the last-known address of business, registered office, parcel or residence of the person to be served.

STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024

FORM 13

(Regulations 26(4))

SUMMONS TO APPEAR

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

BETWEEN

.....Claimant

AND

.....Respondent

To

.....
(insert full name and address of person summoned)

You are hereby summoned to appear before the Tribunal at

.....
(address of place of hearing)

on the day of at a.m./p.m to give evidence for
the *claimant/respondent and also to bring with you and produce
(specify documents to be produced) at the time and place aforesaid. *This summons is as per condition
attached.

Dated the day of

(SEAL)

.....
Secretary

* Delete where not applicable

STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024

FORM 14

(Regulations 30(1), 34(1), 37(2) and 39(1))

NOTICE FOR APPLICATION

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

The claimant/Respondent hereby apply for

The grounds of the application:

Date

*Signature/Right thumb-print and full name
(if an individual)/Full name of the
authorized person, designation and official
stamp/common seal (if a company or body
corporate)*

PART B

(to be filled in by the Tribunal)

NOTICE OF HEARING

The claimant/respondent has applied to the Tribunal for
_____ dated _____. All parties concerned must attend at
_____ (address of place of hearing) on the date and time
specified below:

Date of hearing : _____

Time : _____

Dated the _____ day of _____

(SEAL)

Secretary

INSTRUCTIONS TO THE CLAIMANT/RESPONDENT:

1. You shall state the type of application in the column provided.
2. You shall state in detail the order sought and grounds of application in the column provided.
3. If the column is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.
4. Having filled in the particulars, you shall sign this Form personally. In the case of a corporation or unincorporated body of persons, you shall state the full name of the authorized person with his designation and affix the official stamp or common seal.
5. Having completed and signed this Form, you shall file this Form in sufficient copies with the consideration of the number of parties involved the two copies to be kept by the Tribunal.
6. This Form shall be filed with the Tribunal together with the prescribed fee. The Secretary shall cause the copies filed to be sealed with the seal of the Tribunal and to be given the date, place and time of the hearing of the application. The Secretary shall retain two copies of the signed and sealed copies of this Form and cause the other signed and sealed copies of this Form to be returned to you. You must then, within seven days from the date of receipt of the signed and sealed copies of this Form from the Tribunal, serve such Form on the parties involved.
7. If you fail to serve the signed and sealed copy of this Form on the parties involved within the stipulated time, the application shall thereafter be struck out.

STRATA MANAGEMENT ORDINANCE, 2019

STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024

FORM 15

(Regulation 33(4), 34(8), 37(4) and 39(4))

ORDER FOR APPLICATION

IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

This action having been heard before on in/without the presence of
..... as the, the Tribunal hereby orders:

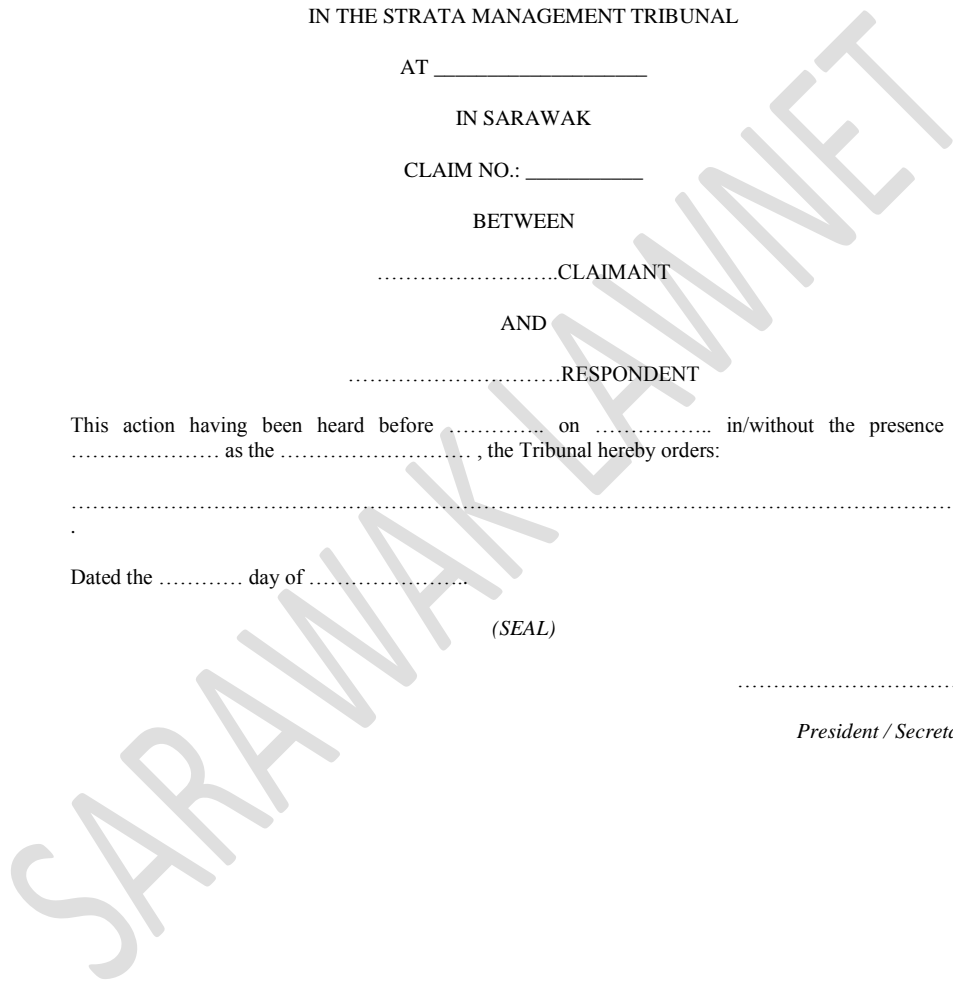
.....

Dated the day of

(SEAL)

.....

President / Secretary



STRATA MANAGEMENT ORDINANCE, 2019
STRATA MANAGEMENT (STRATA MANAGEMENT TRIBUNAL) REGULATIONS, 2024
FORM 16
(Regulation 46(2))

APPLICATION FOR SETTING ASIDE AWARD
IN THE STRATA MANAGEMENT TRIBUNAL

AT _____

IN SARAWAK

CLAIM NO.: _____

BETWEEN

.....CLAIMANT

AND

.....RESPONDENT

1. An award has been obtained against me on :
.....
2. I hereby apply to set aside the award.
3. I was not present at the hearing because :
.....
4. I did not file my defence because:
.....

.....
Date *Signature/Right thumb-print and full name (if an individual)/Full name of the authorized person, designation and official stamp/common seal (if a company or body corporate)*

NOTICE TO THE CLAIMANT

The claimant/respondent has applied to this Tribunal to set aside the award dated The date and the time for the hearing of application are as stated below.

Date of hearing :

Time : a.m/p.m

Date of filing :

(SEAL)

.....
Secretary

Made by the Minister this 8th day of February, 2024.

DATUK AMAR PROF. DR. SIM KUI HIAN,
Minister for Public Health, Housing and Local Government
Sarawak

MLGH/L/192 Jld. 4 (23)

SARAWAK LAWNET



DICETAK OLEH PERCETAKAN NASIONAL MALAYSIA BERHAD, KUCHING, SARAWAK
BAGI PIHAK DAN DENGAN KUASA PERINTAH KERAJAAN SARAWAK