

(b) in respect of any land such a notice is required to be given—

and neither of the allotments has been sold before the said commencement, no person shall sell either of those allotments before a plan of subdivision on which each of the allotments is shown as an allotment has been sealed with the seal of the municipality and, where any part of the land is under the operation of the *Transfer of Land Act* 1958, the plan has been approved by the Registrar pursuant to section 97 of that Act unless the contract provides that the deposit and all other moneys payable by the purchaser are to be paid to a solicitor or to a licensed estate agent who shall be named or specified in the contract to be held by the solicitor or licensed estate agent on trust for the purchaser until the plan has been so sealed and, where any part of the land is under the operation of the *Transfer of Land Act* 1958, so approved.

(2) Where a contract provides, pursuant to the provisions of the last preceding sub-section, for the payment of the deposit and all other moneys to a solicitor or licensed estate agent, the deposit and all other moneys payable by the purchaser under the contract before the sealing and (where required by sub-section (1)) the approval of the plan shall be paid to the solicitor or licensed estate agent named or specified in the contract.

(3) Where there has been any contravention of sub-section (1) or sub-section (2), the purchaser may at any time before the plan has been sealed and (where required by sub-section (1)) approved, avoid the sale.

(4) If the plan is not so sealed and (where required by sub-section (1)) approved within six months after any such sale, the purchaser may at any time after the expiration of the said period of six months but before the plan is so sealed and (where so required) approved, avoid the sale.

(5) Where a purchaser avoids a sale pursuant to this section all moneys (including the deposit) shall be recoverable by him from the solicitor or licensed estate agent or other person to whom they were paid : Provided that the purchaser shall be liable to pay an occupation rent for the period (if any) during which he was in actual occupation of the allotment or entitled to the receipt of the rents and profits thereof.

Sale of subdivided land to be prohibited before plan approved by Registrar.
Ss. (1) amended by No. 7052 s. 2 (g) (i).

9. (1) Where a notice of intention to subdivide land into three or more allotments in the form of the Thirtieth Schedule to the Local Government Act 1958 has been given (whether before or after the commencement of this Act) or where in respect of any land such a notice is required to be given no person shall sell any such allotment unless the land is under the operation of the *Transfer of Land Act* 1958 and the allotment is an allotment on a plan of

subdivision approved by the Registrar pursuant to section ninety-seven of that Act.

(1A) Where a notice of intention to subdivide any land in cluster form or to effect a redevelopment in the form of the First Schedule to the *Cluster Titles Act* 1974 has been given or where in respect of any land such a notice is required to be given, no person shall sell a lot a new lot or an enlarged lot on any part of the land proposed to be subdivided or redeveloped (as the case may be) unless the lot new lot or enlarged lot is shown on a plan of cluster subdivision that has been registered or a plan of cluster redevelopment that has been approved under the said Act.

Ss. (1A) inserted
by No. 8661 s. 40
(a).

(1B) Where any land to be subdivided in cluster form is to be developed in stages, no person shall sell a lot in any stage in respect of which a council requirement is made unless a clearing statement is lodged with respect to every council requirement made in relation to that stage.

Ss. (1B) inserted
by No. 8661 s. 40
(a).

(1C) Words and expressions used in sub-sections (1A) and (1B) have the same meanings as in the *Cluster Titles Act* 1974 and Part IV. thereof respectively.

Ss. (1C) inserted
by No. 8661 s. 40
(a).

(2) Any agreement for sale entered into in contravention of sub-section (1) sub-section (1A) or sub-section (1B) shall be absolutely void and of no effect and any person who has paid any money under such agreement shall be entitled to recover the same.

Ss. (2) amended
by No. 8661 s. 40
(b).

(3) The Registrar may accept a statutory declaration made by the person giving or required to give notice of intention as aforesaid or by some other competent person as conclusive evidence that there has been no contravention of the provisions of this section.

(4) This section shall not apply—

(a) to the sale of an allotment on any plan lodged with the Registrar before the coming into operation of this section ; and

(b) to the sale of any land which is not under the operation of the *Transfer of Land Act* 1958 if such conditions and requirements relating to the making of an application to bring the land under the operation of the *Transfer of Land Act* 1958 and to the lodging of the plan of subdivision in the Office of Titles as are prescribed by the regulations have been complied with :

Para. (b)
amended by
No. 7052
s. 2 (g) (ii).

Provided that the Governor in Council may by proclamation published in the *Government Gazette* declare that as from such date as is specified in the proclamation this section shall apply to land or to any class or description of land which is not under the operation of the *Transfer of Land Act* 1958 ; and