

The English translations of the RERA legislation contained herein are currently in draft form and are provided for reference only.

Survey and Land Registration Bureau

Resolution No. 2 of 2018

On Creation of the Common Properties Register

The President of Survey and Land Registration Bureau, having taken cognizance of:

- Land Registration Law promulgated under Law No. 13 of 2013;
- Real Estate Sector Regulation Law promulgated under Law No. 27 of 2017, particularly Article No. 47 thereof;
- Implementing Regulations of the Land Registration Law promulgated under the Council of Ministers' Resolution No. 10 of 2016; and
- Decree No. 69 of 2017 Regulating the Real Estate Regulatory Authority.

Resolved as follows:

Article (1)

Definitions

In application of the provisions of this Resolution, the words and expressions stated herein shall have the same meanings set out in the Real Estate Sector Regulation Law promulgated under Law No. 27 of 2017, and the following words and expressions shall have the meanings ascribed thereto unless the context requires otherwise:

Main Land Plot: A land plot divided in the property site plan in order to construct a common property.

Complementary Statement: Any statement or document relating to the common parts or all units in a common property.

Supplementary Units: The units that appear on the property site plan as supplementary units that can be annexed to any of the key unit owners and do not have a separate title deed.

Special Management Program: A program for the common property that shows the rights and obligations of owners as well as the duties and responsibilities of the Owners Association according to a resolution from the Real Estate Regulatory Authority.

Article (2)

Common Properties Register

The Survey and Land Registration Bureau shall create a special register for the common properties, whether it is hard or soft one, recording the following details:

1. The lands owned by developers and on which the common properties shall be constructed.
2. The units sold by developers and the names of their owners.
3. Dispositions made on the unit such as sale, long term lease agreements, right of usufruct, gift, will, mortgage and other legal dispositions creating, prescribing or devolving in-kind rights or removing any of such rights as well as the final court judgments evidencing any of such dispositions and acknowledgment of assignment of the registration of any associated in-kind rights.
4. Any other details issued under a resolution by the Real Estate Regulatory Authority Board in agreement with the Survey and Land Registration Bureau.

Article (3)

Registration of Common Properties

Once the Survey and Land Registration Bureau receives the property site plan, it shall record the plan in the Common Properties Register if the plan fulfills the requirements of the Owner Association and Common Properties. To this end, the Survey and Land Registration Bureau shall have the right to:

1. Request that the property site plan should be approved by a licensed land surveyor and may request any additional information or refuse to register the plan if it contradicts with the provisions of law or this Resolution.
2. Request that the main land plot should be divided before registering the property site plan.
3. Register the plan if it fulfills the registration requirements and:
 - A. Complete the Complementary Statement to register:
 - The rights: such as the easement rights that will positively or negatively affect the main land plot;
 - Common Properties Law
 - Common Properties Management Program

- B. The transfer of any easement right, agreements or rental interest in the main land plot to the Complementary Statement or the Title Deed of the Shared Parts in a common property.
- C. Deregister the ownership of the main land plot.
- D. Issue title deeds for the units in the common property together with any units supplementary to the main units.
- E. Refer to the Complementary Statement regarding the ownership of any unit.
- F. Transfer any in-kind or personal rights burdening the ownership of units that are still in the developer's name.
- G. Coordinate with the Real Estate Regulatory Authority regarding the issuance of a certificate for the developer stating addition of the common property, name and number of the owner association into the relevant register.

Article (4)

Powers of the Survey and Land Registration Bureau

To exercise its powers set out herein, the Survey and Land Registration Bureau shall have the right to:

1. Request approval of the owner of any in-kind right in the main land plot on which the common property is built before registering it.
2. Issue an ownership document for the shared parts instead of preparing the Complementary Statement.
3. Accept common property drawings that do not fulfill the property site plan registration requirements for a 12-month period as of this Resolution comes into effect if the Bureau decides that the common units and parts are limited.
4. Issue directives to prepare the property site plan and file any applications for registering them into the Common Property Register.

Article (5)

Obligations of the Survey and Land Registration Bureau

When exercising the powers set out herein, the Survey and Land Registration Bureau shall:

1. Not register any mortgages on the main land in the common parts ownership document.
2. Not register any transactions that may affect the common parts into the common parts ownership document unless otherwise such transaction is authorized under this Resolution.
3. Not issue any title deed for the supplementary units.

4. Register transfer of the ownership of supplementary units only to an owner and shall – in this case:
 - A. Amend the seller’s title deed and delete the sold supplementary units.
 - B. Amend the purchaser’s title deed and add the sold supplementary units.
 - C. Update the supplementary units’ schedule registered into the Complementary Statement or the Common Parts Ownership Document.

Article (6)

All relevant departments – each within their respective areas of competence – shall implement this Resolution which shall come into force as of the date following its publication in the Official Gazette.

President of Survey and Land Registration Bureau

Salman bin Abdulla Al Khalifa

Promulgated on 23 Muharram 1440 AH

Corresponding to: 3 October 2018 AD