



NATIONAL ASSOCIATION  
OF MANAGING AGENTS  
SHAPING OUR PROFESSION

## NAMA Notice Board

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## “ADVANCED” ALERT LEVEL 3 REGULATIONS AND ITS EFFECT ON COMMUNITY SCHEMES

Dear Member,

1. On 17 June 2020, President Cyril Ramaphosa addressed the Nation and stated;

*“When I announced that the country would be moving to alert level 3 from the 1st of June, I said that we would be giving consideration to re-opening other sectors of the economy if the necessary safety precautions could be put in place and maintained.”*

*“Following further discussions with industry representatives on stringent prevention protocols, and after advice from scientists and consultation with Premiers, Cabinet has decided to ease restrictions on certain other economic activities.”*

2. Some 8 days later and on the 25<sup>th</sup> of June 2020, the Minister of Co-operative Governance and Traditional Affairs Nkosazana Dlamini-Zuma published an amendment to the National State of Disaster regulations which details the advanced level 3 lockdown rules as alluded to by the President.
3. In this short article we will explore how the new “advanced” level 3 regulations will impact community schemes and occupiers of individual units within a scheme. Amidst the great expectation of the anticipated amendments, it appears there are only limited amendments that impact upon community schemes.

#### 4. MEETINGS

4.1 Community scheme meetings, which include trustees' / directors, and owners' meetings, will be permissible subject to the following;

- (i) a limitation of 50 persons, excluding those who participate through electronic platforms;
- (ii) restricted to business purposes; and
- (iii) strict adherence to all health protocols and social distancing measures as provided for in directions that must be issued by the responsible Cabinet member, after consultation with the Cabinet member responsible for health;

4.2 Whilst the “advanced” regulations seemingly permit the holding of community scheme meetings, the last proviso pertaining to health protocols and social distancing measures impede the practical implementation thereof. Only once such directions have been issued, may meetings be held.

4.3 Notwithstanding the above, it is advisable that community scheme meetings, where possible, should continue to take place by way of virtual means. In line with the directives issued by the Community Schemes Ombud Service (CSOS) on 23 June 2020, and in circumstances where virtual meetings are not possible, community schemes should ensure that all the necessary precautions are taken to mitigate health risk (such as pre-meeting health assessments (incl. temperature checks), as well as the sanitization of surfaces before and after the meeting, masks are worn throughout the meeting, social distancing is observed, and 1 person only takes minutes and types up the minutes), when such meetings take place.

#### 5. EXERCISING

5.1 Exercising in groups of more than four people is now expressly prohibited under the “advanced” level 3 regulations. As such, people may leave their place of residence to exercise between the hours of 06h00 and 18h00, within and outside of the community scheme, provided that the exercise is not done in organised groups of more than four people and adheres to health protocols and social distancing measures.

#### 6. VISITORS AND SOCIAL GATHERINGS

6.1 Although there has been some relaxation in respect of gatherings in that one may now attend *inter alia* cinemas, theatres, casinos, museums, galleries, libraries, and restaurants, the regulations farcically still prohibit social gatherings for recreational purposes at your place of residence within the community scheme.

6.2 Visitors should still not be allowed to enter the community scheme for recreational purposes. Only in circumstances where a visitor is required to provide care to an immediate family member who resides within the community scheme, such a visitor will be permitted to enter the community scheme. Should it be necessary for such a visitor to travel between provinces to provide care to an immediate family member, such a person will be required to obtain the necessary affidavit.

*Disclaimer : The opinion expressed in this Notice Board is not necessarily that of NAMA. The article pertaining to content is based on that of the writer and should only be used as such.*

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