



NATIONAL ASSOCIATION
OF MANAGING AGENTS
SHAPING OUR PROFESSION

NAMA Notice Board

Issue 11 | 17 March 2020



THE CORONA VIRUS AND BODIES CORPORATE MEETINGS

Although President Ramaphosa announced a prohibition on any event involving the gathering of more than 100 people, where does this leave Bodies Corporate concerning their planned Annual General Meetings and Trustees' meetings while ensuring compliance with legislation?

The measures implemented by government are deemed to be in the best interest of all South African Citizens and the health of all is a priority during these abnormal times. Therefore, the consensus is that the governing body members in discussion with their managing agent must formally decide on whether to proceed with physical meetings, while being mindful of the prohibition put in place by government.

An alternate to physical meetings is dealt with in the Prescribed Management Rules (PMR), namely

1. GENERAL MEETINGS OF OWNERS

PMR 17 (9) – the body corporate does not have to hold a special general meeting to consider a resolution if all members waive the right to the meeting.

PMR 17 (10) - The body corporate may make arrangements for attendance at an annual or special general meeting by telephone or any other (skype) method if the method is:

- a. Accessible to all trustees and other person entitled to attend the meeting,
- b. Permits all persons participating in the meeting to communicate with each other during the meeting, and
- c. Permits the chairperson to confirm with reasonable certainty the identity of the participants.

In the absence of an alternative to a physical meeting the trustees by way of a trustees' resolution would be justified in taking a decision to postpone or delay the annual or special general meeting during these abnormal times. The trustees must however ensure that all persons entitled to attend the AGM/SGM is notified of the postponement or delay.

2. MEETINGS OF TRUSTEES

PMR 11(5) - The trustees may make arrangements for attendance at a trustee meeting by telephone or any other(skype) method if the method is:

- a. Accessible to all trustees and other person entitled to attend the meeting.
- b. Permits all persons participating in the meeting to communicate with each other during the meeting.
- c. Permits the chairperson to confirm with reasonable certainty the identity of the participants.

THE CORONA VIRUS AND THE PROPERTY PRACTITIONERS REGULATIONS – PUBLIC SESSIONS

NAMA has requested an update from the Department of Human Settlements whether they planned public participation sessions will be affected. Once details have been confirmed we will provide all members with an update. Our members are still requested to compile and submit their written comments.

