



NATIONAL ASSOCIATION
OF MANAGING AGENTS
SHAPING OUR PROFESSION

NAMA Notice Board

Issue 15 | 25 March 2020



**ARTICLE BY RUDI HEERSCHOP
SCHÜLER HEERSCHOP PIENAAR ATTORNEYS**

On 15 March 2020, President Cyril Ramaphosa declared the Covid-19 pandemic as a national disaster. The declaration aforesaid prompted the imposition of various restrictions on the personal and professional lives of ordinary South Africans.

On 23 March 2020, in a rapid response declaration aimed at breaking the curve of the pandemic, the President imposed a 21-day nationwide 'lockdown', becoming effective at midnight on Thursday 26 March. In simple terms, save for the services specifically exempted, all South Africans are compelled by Law to stay at home.

Non-essential businesses are to be closed for the lockdown period. At the time of preparation of this note, the full list of industries, businesses and services exempt from the lockdown is yet to be published. Arising from this announcement are a host of uncertainties, specifically in considering what is permitted in the conduct of one's day to day activities, and what is not.

It is anticipated that formal regulations under the Disaster Management Act will shortly be published, hopefully, addressing and allaying the uncertainties borne from the President's address. Again, at the time of preparation of this note, these regulations are yet to be published.

The following questions arise within the property sector:

- Will a tenant be able to move out during the lockdown period, allowing the new tenant to move in?
- Will a purchaser be able to take occupation of a newly purchased property during the lockdown period?

Based on the information now available and until such time as the Disaster Management Act regulations are published, the short answer to each of these questions is "NO".

We are of the view that moving of house will not be considered as an essential service or activity, and accordingly will not be allowed, or be permitted.

The necessary arrangements should be in place to vacate and/or take occupation prior to midnight, 26 March 2020. Should this not be possible, we suggest that all lease agreements and offer to purchases be amended to make provision for the lockdown period, wherein the parties agree that a property will only be occupied and/or vacated on/or after 16 April 2020.

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.

