 RULES FOR THE CONTROL, MANAGEMENT, ADMINISTRATION, USE AND ENJOYMENT OF THE SECTIONS AND THE COMMON PROPERTY IN RESPECT OF THE LAND AND BUILDINGS KNOWN AS WATERGATE ERF NO 1618 GREEN POINT ON WHICH THE BUILDING IS SITUATED.

(SECTION 27 (2)(A)(1) OF ACT 66 OF 1971)

TRUSTEES OF THE BODY CORPORATE:

1. There shall be not less than three nor more than seven trustees who shall be owners, nor nominees of owners who are juristic persons, and who shall be elected at each annual general meeting: Provided that where there are only two or three owners, all the owners who are natural persons and one nominee of each owner who is a juristic person, shall be the trustees.
2. Except where all the owners or their nominees are trustees, the body corporate may by resolution at an extra-ordinary general meeting remove any trustee from his office before the expiration of his term of office and appoint another owner, or another nominee of an owner who is a juristic person, in his place to hold office until the next annual general meeting.
3. Any casual vacancy among the trustees may be filled by the remaining trustees.
4. At a meeting of trustees, two trustees shall form a quorum where there are four or less than four trustees; three trustees shall form a quorum where there are five or six trustees; and where there are seven trustees, four trustees

shall /



shall form a quorum.

5.
 - a. At the commencement of the first meeting of the trustees after the annual general meeting, the trustees shall elect a chairman, who shall hold office as such until the next ensuing annual general meeting and who shall have a casting as well as a deliberative vote.
 - b. If any chairman so elected vacates his office as chairman before the expiration of his period of office, the trustees shall elect another chairman who shall hold office as such for the remainder of the period for which the first-mentioned chairman was so elected and who shall have the same rights of voting.
 - c. If any chairman so elected vacates the chair during the course of a meeting, or is for any reason unable to preside at any meeting, the trustees shall choose another chairman for that meeting who shall have the same rights of voting.
6. All matters at any meeting of the trustees shall be determined by simple majority vote.
7. The trustees may :-
 - a. meet together for the conduct of business, adjourn and otherwise regulate their meetings as they deem fit: Provided that they shall meet when any trustee gives to the other trustees not less than seven days' notice of a meeting proposed by him, specifying the reason for calling such meeting;

b. appoint / ...

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- b. appoint for and on behalf of the body corporate such agents and employees as they deem fit in connection with the control, management and administration of the common property and the exercise and performance of the powers and duties of the body corporate;
- c. subject to any restrictions imposed or direction given at a general meeting, delegate to one or more of the trustees such of their powers and duties as they deem fit, and at any time revoke such delegation.

8. The trustees shall :-

- a. keep minutes of their proceedings;
- b. cause minutes to be kept of general meetings;
- c. cause proper books of account to be kept in respect of all sums of money received and expended by them and the matters in respect of which such receipt and expenditure occur;
- d. for each annual general meeting, prepare proper accounts, audited by a registered accountant, relating to all moneys and the income and expenditure of the body corporate.
- e. on the application of an owner or any person authorised in writing by him, make the books of account available for inspection at all reasonable times.

9. Any act performed in good faith by the trustees shall, notwithstanding that it is after the performance of the act discovered that there was some defect in the appointment or continuance in office of any trustee, be as valid as if such trustee had been duly appointed or had duly continued in office.

10. Two trustees shall sign every instrument on behalf of the body corporate.

GENERAL MEETINGS:

11. A general meeting of owners shall be held within three months of the date on which the body corporate comes into being as contemplated in section 28(1).
12. Subsequent general meetings shall be held once in each year: Provided that not more than fifteen months shall elapse between the date of one annual general meeting and that of the next.
13. All general meetings other than the annual general meetings shall be called extraordinary general meetings.
14. The trustees may, whenever they think fit, and shall, upon a requisition in writing made by owners entitled to twenty-five per centum of the total of the quotas of all the sections, convene an extraordinary general meeting.
15. Seven days' notice of every general meeting specifying the place, the date and the hour of the meeting and, in the case of special business, the general nature of such business, shall be given to all owners and to all holders of sectional mortgage bonds who have advised the body corporate of their interests: Provided that inadvertent omission to give such notice to any owner or mortgagee or the non-receipt of such notice by any owner or mortgagee shall not invalidate any proceedings at any such meeting.



PROCEEDINGS AT GENERAL MEETINGS:

16. Save that consideration of the accounts and the election of trustees at an annual general meeting shall be ordinary business, all business at any general meeting shall be special business.

17. (1) Save as in this schedule is otherwise provided, no business shall be transacted at any general meeting unless a quorum of persons entitled to vote is present at the time when the meeting proceeds to business.

(2) One-half of the persons entitled to vote in person or by proxy shall constitute a quorum.

18. If within half an hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the persons present and entitled to vote shall be a quorum.

19. At the commencement of a general meeting, a chairman shall be elected for the meeting.

20. (1) At any general meeting a resolution by the vote of the meeting shall be decided on a show of hands unless a poll is demanded by any owner in person or by proxy


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Unless a poll be so demanded, a declaration by the chairman that a resolution has on the show of hands been carried shall be conclusive evidence of that fact without proof of the number or proportion of votes recorded in favour of or against such resolution.

(3) A demand for a poll may be withdrawn.

21. A poll, if demanded, shall be taken in such manner as the chairman thinks fit, and the result of the poll shall be deemed to be the resolution of the meeting at which such poll was demanded.

22. In the case of equality in the votes, whether on a show of hands or on a poll, the chairman of the meeting shall be entitled to a casting vote in addition to his deliberative vote.


VOTES OF OWNERS:

23. On a show of hands, the owner or owners of a section shall have one vote; for the purposes of a special resolution (with or without a poll) or on a poll, the value of the vote of the owner or owners of a section shall, subject to the provisions of proviso (ii) to section 23(1), correspond with the quota of his or their section.

24. On a show of hands or on a poll, votes may be given either personally or by proxy.

25. (1) An instrument appointing a proxy shall be in writing

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 under the hand of the appointer or his agent and may be either general or for a particular meeting.

(2) A proxy need not be an owner.

26. Except in cases where a special resolution or a unanimous resolution is required under this Act, no owner shall be entitled to vote at any general meeting unless all contributions payable by him in respect of his section and his undivided share in the common property have been duly paid.

27. Where an owner of a section is as such a trustee for a beneficiary, he shall exercise the voting rights in respect of the section to the exclusion of persons beneficially interested in the trust, and such persons shall not vote.


SCHEDULE 2

(SECTION 27(2)(A)(II) OF ACT 66 OF 1971

1. An owner shall not :-

- (a) use his section or permit his section to be used for any purpose which is injurious to the reputation of the building;
- (b) keep or do anything on the common property after notice in that behalf from the trustees;
- (c) keep any animal in his section or on the common property after notice in that behalf from the trustees;

(d)/


(d) do or permit to be done in his section or on the common property anything which will or may increase the rate of the premium payable by the body corporate on any insurance policy.

2. When the purpose for which a section is intended to be used, is shown expressly or by necessary implication on or by the registered sectional plan, an owner shall not use or permit his section to be used for any other purpose.
3. No duty shall be placed upon any owner in regard to the provision of any improvement on or to the common property unless a proposal to make such improvement has been approved by a special resolution at a general meeting of owners of sections.