

Who Can Vote? A Complete Guide to Authorised Representation at Sectional Title Meeting

General meetings of a body corporate—whether an Annual General Meeting (AGM) or a Special General Meeting (SGM)—are where critical scheme decisions are made.

However, establishing who has the legal authority to cast a vote is a common stumbling block for trustees and managing agents when calculating quorums and recording votes.

While an individual natural person who owns a unit in their sole name can simply step into a meeting, show up on Zoom, or sign a standard proxy form, the situation becomes more nuanced when units are held by companies, trusts, co-owners, or deceased estates.

Here is a complete breakdown of who is legally entitled to vote and the mandatory documentation required for every type of unit owner requiring authorised representation.

1. NATURAL PERSONS (SOLE INDIVIDUAL OWNERS)

Where a unit is registered in the name of a single natural person, representation is straightforward:

- **In Person:** The registered owner themselves attends and votes directly.
- **By Proxy:** Under section 6(5) of the Sectional Title Schemes Management Act 8 of 2011 (STSMA) and Prescribed Management Rule (PMR) 20(5) [made under the Regulations to the STSMA], an owner may appoint a proxy to attend, speak, and vote on their behalf. The proxy form must be in writing, in substantially the format prescribed in Form C annexed to the STSMA's Regulations, signed by the owner (or their duly authorised agent), and delivered to the body corporate 48 hours before the meeting, or handed to the chairperson at the start of the meeting.
- **By Power of Attorney:** If a third party holds a registered General or Special Power of Attorney granted by the owner, they may represent the owner upon presenting a copy of the signed Power of Attorney document.

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2. CO-OWNERS (MULTIPLE NATURAL PERSONS)

Where a unit is registered in the names of two or more people:

- **Jointly appointed Proxy:** Under PMR 20(7), co-owners must jointly agree on one single representative to speak and vote on behalf of their unit. And that person, who may or may not be one of them, must be jointly appointed by them as their proxy.

3. COMPANIES AND CLOSE CORPORATIONS (CCS)

A juristic person can't physically attend a meeting, so it must act through an authorised human representative:

- **The Rule:** The director or member attending the meeting doesn't automatically hold voting rights simply by virtue of holding an executive title; they must be properly authorised by the entity.
- **Required Document:** A formal Company or CC Resolution signed in accordance with the entity's Memorandum of Incorporation (MOI) or Founding Statement, specifically nominating the representative to represent and vote on behalf of the company or close corporation at body corporate meetings

4. TRUSTS

Trusts are a popular vehicle for property ownership, but their governance is strictly controlled by their Trust Deed and Master's appointments:

- **The Rule:** One trustee can't act unilaterally on behalf of a trust unless the Trust Deed grants that specific power or the co-trustees have formally delegated it.
- **Required Documents:**
 1. **Letters of Authority:** Issued by the Master of the High Court, confirming the identity of the current, lawfully appointed trustees.
 2. **Trustee Resolution:** A written resolution signed by the required quorum of trustees (as dictated by the Trust Deed) nominating one person to represent the trust and cast its votes at the meeting. *(Note: If a trust has only one Master-appointed trustee, the Letters of Authority alone will suffice).*

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5. DECEASED ESTATES

When a registered owner passes away, the unit becomes part of a deceased estate, and transfer to an heir or buyer is often pending:

- **The Rule:** Neither surviving family members nor prospective heirs have the legal right to vote on behalf of the unit until transfer is registered, unless they hold formal court appointments.
- **Required Document: Letters of Executorship** issued by the Master of the High Court confirming the appointment of the Executor. The Executor is the sole person entitled to vote on behalf of the deceased estate (or to issue a proxy to another representative).

6. INSOLVENT ESTATES AND COMPANIES IN LIQUIDATION

If an individual owner is sequestrated or a corporate owner is placed under liquidation:

- **The Rule:** The owner or director loses the legal capacity to exercise property rights. Those rights vest in the court-appointed insolvency practitioner.
- **Required Document: A Certificate of Appointment** issued by the Master of the High Court, confirming the appointment of the Trustee in Insolvency or the Liquidator.

7. MINORS AND PERSONS UNDER LEGAL DISABILITY

Where a unit is registered in the name of a minor (a child under 18) or a person who has been declared mentally or legally incapacitated:

- **The Rule:** The owner lacks legal capacity to cast a vote or sign a proxy form directly.
- **Required Document:** Proof of legal standing—either **Proof of Guardianship** (for a minor) or a **Court Order / Letters of Curatorship** issued by the Master of the High Court appointing a Curator *Bonis*.

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QUICK REFERENCE SUMMARY FOR MANAGING AGENTS & TRUSTEES

When checking in members or compiling the voting register for a general meeting, ensure your administrative checklist covers the following:

Owner Type	Registered Owner On Record	Required Authorisation / Proof Document
Individual Owner	Single Natural Person	ID / Attendance OR Signed Proxy Form / Power of Attorney
Co-Owners	Two or more Natural Persons	Proxy Form signed by all co-owners
Company / CC	Juristic Entity (Pty Ltd / CC)	Signed Company/CC Resolution
Trust	The Trust	Letters of Authority + Signed Trustee Resolution
Deceased Estate	Deceased Individual	Letters of Executorship (appointing the Executor)
Insolvent / Liquidated	Bankrupt Owner / Entity	Master's Certificate of Appointment (Trustee/Liquidator)
Minor / Incapacitated	Child / Protected Person	Proof of Guardianship or Curator Court Order

PRACTICAL TAKEAWAY

Managing agents and chairpersons should distribute an **Authorisation & Proxy Pack** well in advance of any AGM or SGM. Requesting that co-owners lodge their proxies and other owners requiring authorised representation to lodge their relevant authorisation documentation at least 48 hours prior to the meeting will eliminate administrative bottlenecks and ensure that every resolution passed stands up to legal scrutiny.

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