



RERA BULLETIN 4

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CHANGES AFFECTING PROXY FORMS AND VOTING PAPERS

1. Introduction

Resolution 7 of 2018 regulating Owners Associations and Joint Properties recognises that members of an owners association may participate in meetings by various means, including:

- personal attendance;
- use of a proxy;
- use of a voting paper.

The use of proxies is proving to be a popular option where the owner is unable to personally attend the meeting.

Issues have arisen in recent owners association meetings about the process of authenticating proxy forms. RERA has resolved that, rather than leaving this issue for debate and resolution in each owners association, it will propose a practice to be followed by all owners associations.

2. New requirements for proxies

RERA proposes that all owners associations implement the following practice for the authentication of proxies:

- ***Proxies signed in Bahrain*** – these must be notarised.
- ***Proxies signed outside Bahrain*** – the signature of the owner must be witnessed by an adult person and copies of the CPR/ Passport of the owner and witness are to be provided to the owners association with the signed proxy form.

Owners associations may, if they choose to do so, impose additional requirements to be observed by the owners association in accepting and acting upon proxy forms. The existing restriction, that one person cannot represent more than 10% of units, will continue.

3. Application of this requirement

RERA will progressively enforce this requirement for notices of meeting issued from the date of publication of the Bulletin.

4. Revised proxy form

The form set out below may be used as a template and modified as required to suit the needs of individual owners associations

5. Use of voting papers

RERA has reviewed samples of draft joint property by-laws attempting to expand the use of voting papers, to replace the need for a physical meeting of owners. RERA considers this an undesirable



practice, particularly in the case of the first general assembly meeting, because of the range of important issues that need to be decided in such meeting. The conduct of a physical meeting is highly desirable, to permit owners to meet and discuss issues. It is often the case that, in a meeting, the wording of a resolution to be voted on by the meeting evolves as a result of various comments.

RERA proposes the following practice for voting papers:

- No annual general assembly can be conducted solely based on voting papers.
- Extraordinary general assemblies that are limited to one or two issues needing an urgent vote before the next annual general assembly may be conducted by voting paper. Discretion should be exercised by the Owners Association Manager or the Board of the owners association, to ensure that the use of voting papers is not prejudicial to the interests of any owners.
- Where a physical meeting takes place and during discussion the wording of a draft resolution is changed, and as a result:
 - the amended draft resolution is now different to the draft resolution in the voting paper and changes the meaning of the resolution, then the vote in the voting paper must be excluded [however, this exclusion does not operate to change the quorum calculated at the start of the meeting].
 - the amended draft resolution involves only a minor change in wording and does not change the nature and intent of the resolution in the voting paper, then the vote may be counted.

Form 3 – Proxy Form

Name of Owners Association	<i>To be completed by owners association</i>
Address of Owners Association	<i>To be completed by owners association</i>
Registration Number	
Unit number	<i>To be completed by owners</i>
Names of owners	<i>To be completed by owners</i>

I/we , the owners of the unit as listed above, appoint

[insert name of proxy] to be our proxy and to vote on our behalf at the General Assembly on

..... *[insert date so the proxy is specific to a single meeting]* and any continuation of the meeting seven days later.

Signed at [Location]

..... Date

..... Signature of Owner 1

..... Name of Owner 1

..... CPR/ Passport number

..... Signature of Owner 2

..... Name of Owner 2

..... CPR/ Passport number

..... Signature of Witness Or Notary

..... Name of Witness

..... CPR/ Passport number

Notes:

- *If a company, affix seal and authorised signatures.*
- *For individuals signing in Bahrain, the signature must be notarised. If signed overseas, please have the signature witnessed by an adult witness and provide copies of the CPR/ passport of the owner and witness.*
- *One person cannot hold proxies for more than 10% of units*