



**IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN**

Reportable

Case no: 6368/2023

In the matter between

THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL

APPLICANT

and

REHAN COETZEE

FIRST RESPONDENT

IZAK JACOB STEENKAMP

SECOND RESPONDENT

STEENKAMP & JANSEN INCORPORATED

THIRD RESPONDENT

THEUNIS GOOSEN

FOURTH RESPONDENT

IN RE:

REHAN COETZEE

FIRST APPLICANT

IZAK JACOB STEENKAMP

SECOND APPLICANT

and

THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL

FIRST RESPONDENT

STEENKAMP & JANSEN INCORPORATED

SECOND RESPONDENT

THEUNIS GOOSEN

THIRD RESPONDENT

Neutral citation: *The South African Legal Practice Council v Coetzee and Others*
(6368/2023) [2025] ZAFSHC 261 (26 August 2025)

Coram: Lekokotla AJ et Loubser J

Heard: 7 August 2025

Delivered: 28 August 2025

Summary: Interpretation of court orders – whether the court order with number 6176/2022 was automatically uplifted by the court order under case number 6368/2023.

ORDER

- 1 The first and second respondents' temporary suspension pursuant to the order by Naidoo J and Mahlangu AJ under civil case number 6176/2022 was not automatically uplifted on 31 May 2025 in terms of the order by JP Daffue JJ (BB Mahlatsi concurring) under civil case number: 6368/2023, handed down on 4 December 2024.
- 2 The first respondent is ordered to pay the costs of this application, on the party and party scale, the fees of counsel to be on scale C.

JUDGMENT

Lekokotla AJ (Loubser J concurring)

[1] The applicant, the South African Legal Practice Council (the LPC), seeks a declarator that the first and second respondents' temporary suspension pursuant to the order by Naidoo J and Mahlangu AJ under civil case number 6176/2022 (the Naidoo J order) was not automatically uplifted on 31 May 2025 in terms of the order by Daffue J (BB Mahlatsi AJ concurring) under civil case number: 6368/2023, handed down on 4 December 2024 (the Daffue J order). The LPC also seeks an order for costs against the respondents opposing the application.

[2] The Naidoo J order directed that the first and second respondents were suspended from practicing as legal practitioners of the High Court of South Africa, in terms of s 43 of the Legal Practice Act 28 of 2014 (the Legal Practice Act), pending the finalisation of the investigation against them by the applicant and any subsequent disciplinary proceedings which may be instituted in court. The first and second respondents were ordered to immediately surrender or deliver their certificates of admission and enrolment as attorneys and/or legal practitioners of this court to the Registrar of this court. The first and second respondents were also directed to pay the costs of the application, jointly and severally, the one paying the other to be absolved.

[3] The two respondents subsequently brought an application against the LPC before this court for an order setting aside their respective suspensions from practicing as legal practitioners pursuant to the Naidoo J order. The primary basis for seeking to have their

respective suspensions set aside was that the LPC was dragging its feet and were dilatory in conducting the relevant investigations against them arising from the complaints that were with the LPC against them. According to the respondents, this merited the setting aside of their suspensions.

[4] This application was heard by Daffue J and Mahlatsi AJ on 28 November 2024. Inasmuch as the presiding judges acknowledged the dilatoriness of the LPC in bringing the investigations against the respondents to finality, they refused to accede to the respondents' request that their suspensions should be set aside. This was on the basis that there were numerous issues that merited investigation. As a result, the judges granted the LPC a final opportunity to get their 'ducks in a row'.

[5] Consequently, on 4 December 2024, Daffue J and Mahlatsi AJ granted the following order:

- '1. The first respondent shall, as undertaken, serve its detailed charge sheets on the applicants on or before 15 January 2025.
2. The disciplinary hearings shall, as undertaken, be scheduled to start no later than 31 March 2025 and continue until finalised.
3. The first respondent shall finalise its disciplinary proceedings against the applicants on or before 31 May 2025, failing which their suspensions shall lapse automatically.
4. The application is removed from the roll, but, in the event of the first respondent failing to comply with either paragraph 1 or paragraph 2 supra, leave is granted to the applicants to set the application down for hearing on the opposed motion court roll within 21 days' notice to the first respondent, which notice shall be accompanied by their supplementary affidavits.
5. In the event of a notice of set down as envisaged in paragraph 4 supra, the respondent shall file an answering supplementary affidavit within 7 days, whereafter the parties shall file supplementary heads of argument in accordance with the practice directives of this court.'

[6] The LPC subsequently brought the present application where it sought the declarator that we have set out above. The application is opposed by the first and second respondents.

[7] However, only the first respondent opposed the application actively as the second respondent chose to abide the decision of the court even though he had filed an explanatory affidavit. For this reason, we will only refer to Mr Coetzee by name as the only

participating respondent in this application.

[8] The only issue for determination is the correct interpretation of the Daffue J order.

[9] It is common cause that the charge sheets in the matters (Tsupane and Mololo) preferred by the LPC and the hearings and sanctions were completed well before 31 May 2025. The LPC made the sanction in respect of the respondents on 30 April 2025 and 14 May 2025, respectively. This was before 31 May 2025. All these processes the LPC contends constitute disciplinary proceedings.

[10] Mr Coetzee lodged appeals in those matters on 23 May 2025 and 29 May 2025, respectively.

[11] Mr Coetzee contends that, since he launched appeals to the hearings before 31 May 2025 and since those appeals were not finalised by 31 May 2025, the LPC failed to comply with the Daffue J order and, as a result, the suspensions fell away or lapsed automatically. He comes to this conclusion on the basis of what he calls a proper reading of the Daffue J order, which he argues means that paragraphs 2 and 3 of Daffue J order are couched in different terms and therefore ought to be interpreted differently.

[12] According to Mr Coetzee, paragraph 2 refers to 'disciplinary hearings' and paragraph 3 refers to 'disciplinary proceedings'.

[13] It is common cause that Mr Coetzee attended the disciplinary hearing no later than 31 March 2025. Therefore, he takes no issue with the LPC's compliance with paragraph 2 of the Daffue J order.

[14] However, Mr Coetzee argues that, where paragraph 3 of the Daffue J order refers to 'disciplinary proceedings', it is referring to a much broader concept and does not only include the hearings that are referred to in paragraph 2 of the order, but also includes appeals, reviews and any other proceedings that the LPC can conduct after it has given its ruling. He argues that paragraph 3 of the order should be read with paragraph 18 of the Daffue J judgment, which states that 'if finality is not reached by 31 May 2025, the suspensions shall lapse automatically'.

[15] We need to determine the correct interpretation of the Daffue J order.

[16] In *Firestone South Africa (Pty) Ltd v Genticuro AG (Firestone)*,¹ the then Appellate court set out the approach to interpreting court orders, as follows:

'The basic principles applicable to construing documents also apply to the construction of a court's judgment or order: the court's intention is to be ascertained primarily from the language of the judgment or order as construed according to the usual, well-known rules. . . [A]s in the case of a document, the judgment or order and the court's reasons for giving it must be read as a whole in order to ascertain its intention. If, on such a reading, the meaning of the judgment or order is clear and unambiguous, no extrinsic fact or evidence is admissible to contradict, vary, qualify or supplement it.'

The Constitutional Court has endorsed the *Firestone* approach in *Eke v Parsons*² and *Electoral Commission v Mhlope and Others*.³

[17] Thus, the purpose of interpreting the Daffue J order is to ascertain his intention⁴ in the context of the language of the judgment and the order as a whole, especially the reasons for the order.

[18] Furthermore, in *Ex Parte Women's Legal Centre: In Re Moise v Greater Germiston Transitional Local Council*,⁵ the Constitutional Court held that a proper interpretation of an order of court also entails determining the legal context within which the words in the order were used. The legal context here is the words that were used by Daffue J in his order.

[19] In *Lutchman N.O. and Others v African Global Holdings (Pty) Ltd and Others*, the Supreme Court of Appeal stated as follows:⁶

'Very recently, this court in *HLB International (South Africa) v MWRK Accountants and Consultants*, held that the now well-established test on the interpretation of court orders is that the starting point is to determine the manifest purpose of the order, and that in interpreting the order the court's intention is to be ascertained primarily from the language of the order in accordance with the usual well-known rules relating to the interpretation of documents. As in the case of a document, the

¹ *Firestone South Africa (Pty) Ltd v Genticuro AG* 1977 (4) SA 298 (A) at 304D-E.

² *Eke v Parsons* [2015] ZACC 30; 2015 (11) BCLR 1319 (CC); 2016 (3) SA 37 (CC) (*Eke v Parsons*) para 29.

³ *Electoral Commission v Mhlope and Others* [2016] ZACC 15; 2016 (8) BCLR 987 (CC); 2016 (5) SA 1 (CC) paras 33-36.

⁴ *Eke v Parsons* para 63.

⁵ *Ex Parte Womens' Legal Centre: In re Moise v Greater Germiston Transitional Local Council* [2001] ZACC 2; 2001 (4) SA 1288 (CC); 2001 (8) BCLR 765 (CC) para 11.

⁶ *Lutchman N.O. and Others v African Global Holdings (Pty) Ltd and Others; African Global Holdings (Pty) Ltd and Others v Lutchman N.O. and Others* [2022] ZASCA 66; [2022] 3 All SA 35 (SCA); 2022 (4) SA 529 (SCA) para 44.

order and the court's reasons for giving it must be read as a whole in order to ascertain its intention. The manifest purpose of the order is to be determined by also having regard to the relevant background facts which culminated in it being made.' (Footnote omitted).

[20] What Mr Coetzee is effectively doing is imputing the LPC's 'administrative process' into Daffue's J judgment and order. This is impermissible.

[21] In light of the above authorities, we cannot divorce the judgment of Daffue J from his order as it gives context to the order that is under attack in this application. The Daffue J judgment and order are clear that what it contemplated to be completed by 31 May 2025 was, in fact, the disciplinary hearing and the imposition of a sanction relating to the conduct that was the subject of the disciplinary hearing. All these processes constitute disciplinary proceedings, which are referred to in paragraph 3 of the Daffue order. They were all completed before 31 May 2025.

[22] Mr Coetzee also raised other issues that relate to the question how the LPC conducted its disciplinary hearing against him and how it fell short of the empowering provisions, in particular ss 43, 44 and 45 of the Legal Practice Act. He then submitted that, as a result of these alleged shortcomings, the review application that he has launched against the LPC bears reasonable prospects of success and therefore we should consider this in our judgment. Because of these alleged shortcomings, the suspension should be uplifted, the judgment went.

[23] The question whether the LPC complied with the provisions of the Legal Practice Act when it conducted its disciplinary hearing against Mr Coetzee is not before us and therefore it is beyond the scope of this judgment.

[24] The dispute before us is not for the upliftment of the suspension. It is only for the interpretation of the Daffue J order. Therefore, the prospects of success in the review are of no consequence to the question that we have been called upon to decide. There is also no counter application for the relief sought by the respondents to uplift the suspensions. Therefore, we do not deal with this issue in this application as it is not before us.

[25] The Daffue J judgment provides a clear indication of what is meant in the order. The

use of the word '*its* disciplinary proceedings' in paragraph 3 of the order, can only refer to the proceedings that had to be conducted by the LPC (which is the hearing and imposition of a sanction) and not proceedings that were instituted by Mr Coetzee because he was not satisfied with the LPC's ruling, which the LPC issued well before 31 May 2025.

[26] In our view, there is no merit in the argument that the use of the words 'disciplinary hearing' in paragraph 2 and, 'disciplinary proceedings' in paragraph 3 means that Daffue J had different proceedings in mind, and that, when using the latter, he was in fact referring to a much broader process than the disciplinary hearing that he directed the LPC to conduct and the sanction that it had to impose within the timelines set out in his order to avoid any further delays.

[27] In conclusion, paragraph 3 of the Daffue J order clearly states what it means by disciplinary proceedings and it does not include time periods for appeals and reviews.

[28] In light of the above the declaration application has to succeed.

[29] We therefore give the following order:

1 The first and second respondents' temporary suspension pursuant to the order by Naidoo J and Mahlangu AJ under civil case number 6176/2022 was not automatically uplifted on 31 May 2025 in terms of the order by Daffue JJ (BB Mahlatsi concurring) under civil case number: 6368/2023, handed down on 4 December 2024.

2 The first respondent is ordered to pay the costs of this application, on the party and party scale, the fees of counsel to be on scale C.

I concur:


LEKOKOTLA AJ


LOUBSER J

Appearances

For the appellant:

N Snellenburg SC

Instructed by:

Symington & De Kok Attorneys, Bloemfontein

For the respondent:

In person.
