

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

Not reportable

Case no: 1304/2025

In the matter between:

ROSSWILL MILLIN

APPLICANT

and

SADDLEBRED SOCIETY OF SOUTH AFRICA

FIRST RESPONDENT

**TED GROENEWALD: LEGAL REPRESENTATIVE OF
SADDLEBRED SOCIETY OF SOUTH AFRICA**

SECOND RESPONDENT

JACQUES WIGGINS

THIRD RESPONDENT

KOBUS GERBER

FOURTH RESPONDENT

Neutral citation: *Rosswill Millin v Saddlebred Society of South Africa & Others* (1304/2025)
[2026] ZAFSHC 40 (5 February 2026)

Coram: Reinders ADJP and Loubser J

Heard: 27 October 2025

Delivered: 5 February 2026

Summary: Application for review and setting aside of decision not to institute disciplinary proceedings against members of the first respondent after an incident at championship event held at Robertson.

ORDER

1 The first and the second respondent's decision taken on 28 November 2024, not to institute disciplinary proceedings against the third and fourth respondents following the incident that took place at the Western Province Grand Championships at Robertson on 28 September 2024, is hereby reviewed and set aside.

2 The first respondent is directed to implement the disciplinary proceedings envisaged in clause 5.5 of the rules pertaining to disciplinary investigations and hearings within 10 days of date of this order.

3 The first respondent is ordered to pay the costs of the application on the party and party scale, including the fees of counsel on scale B up to 13 October 2025.

4 There is no order as to costs pertaining to the second, third and fourth respondents.

JUDGMENT

Loubser J (Reinders J concurring)

[1] This is an application for the review and setting aside of a decision taken by the first and second respondents not to institute disciplinary proceedings against the third and fourth respondents, following an incident at the Western Province Grand Championships held by the first respondent at Robertson on 28 September 2024.

[2] On that day, the applicant's stallion by the name of Solitaire participated in the fine harness class 247 competition in the oval arena of Robertson, a town situated in the Western Province. The class in which Solitaire participated, entailed a single horse pulling a cart. According to the applicant, who is a member of the first respondent and the owner of Solitaire, it is standard procedure for the participants to enter the oval in an anti-clockwise direction along the rails of the oval. This is what Solitaire did, but when the third respondent entered the oval with his horse and cart, he failed to follow the standard entry procedure and travelled across the centre grass area of the arena directly towards

Solitaire, the applicant says.

[3] This maneuver of the third respondent caused the horse and cart of the third respondent to collide with Solitaire. The front legs of Solitaire ended up between the wheels of the third respondent's cart, and the front left leg of Solitaire sustained various cuts in the process. As a result, Solitaire had to be withdrawn from the class. The applicant alleges that the third respondent acted intentionally or negligently in causing the collision. The ringmaster of the day, namely the fourth respondent, was also negligent in that he failed to maintain proper control of the arena. He thereby contributed to the happening of the incident. The applicant maintains that both the third and fourth respondents breached the rules of the first respondent published in its rule book by their actions, or in the case of the fourth respondent, by his failure to act.

[4] As a result of these beliefs, the applicant then proceeded to lodge a complaint against the third and fourth respondents with the first respondent in terms of the constitution of the first respondent. Clause 5.1 of the first respondent's disciplinary code, which is an annexure to its constitution, provides that directly subsequent to receipt of a complaint, the president of the first respondent will refer it to the legal representative, who may appoint investigators with the request to assist him on the nature of the complaint, that is whether a disciplinary hearing is warranted. Clause 5.2 provides that the finding of the legal representative regarding the merits of the complaint and whether or not it deserves a disciplinary hearing, will then be advised to the president. If the legal representative makes a decision not to proceed with a disciplinary hearing, the president is entitled to request reasons for the decision not to proceed.

[5] In the present matter these steps were duly followed, and the legal representative eventually came to the conclusion that there was no merit in the applicant's complaint, and he accordingly advised that no disciplinary action would follow. The legal representative concerned features in this application as the second respondent. The president referred to is Dr George Aldrich of the first respondent's office in Bloemfontein.

[6] The applicant says he could not lodge an internal appeal against the decision not to institute disciplinary action because, in terms of the rules, such an appeal can only be lodged where a formal disciplinary hearing was held. For this reason, the applicant says

that his only remedy is to approach this Court for orders that the decision of the first and second respondents be set aside and that the first respondent be directed to institute the disciplinary proceedings envisaged by the disciplinary code.

[7] In response to this application for a review, which was brought in terms of rule 53 of the Uniform Rules of Court and served on the respondents on 27 March 2025, the respondents filed a notice of intention to oppose on 17 April 2025. This was followed by an answering affidavit filed by the first and second respondents on 22 July 2025. The third and fourth respondents did not file any answering affidavits, thereby indicating that they no longer opposed the application. The answering affidavit styled 'first and second respondent's answering affidavit' is deposed to by the second respondent. In the first paragraph he mentions that he is opposing the application on behalf of the first respondent, and in this respect, he refers to a resolution of the executive committee of the first respondent dated 17 April 2025. In this resolution the second respondent is 'authorized to depose to the answering affidavit and oppose the application on behalf of the society'.

[8] In this answering affidavit of the first respondent, the second respondent extensively dealt with the evidence that served before him when he made the impugned decision that a disciplinary hearing was not warranted. In particular, he pointed out that video footage of the incident showed that the incident did not happen against the railing of the oval, as claimed by the applicant. Be that as it may, the fact remains that the second respondent did not file an answering affidavit in his personal capacity, but only the affidavit on behalf of the first respondent. In the premises, the application remained opposed only by the first respondent and not by any of the other respondents.

[9] The applicant filed a replying affidavit to the answering affidavit deposed to by the second respondent on 6 August 2025, maintaining that the matter should have been referred to a disciplinary hearing where the evidence could have been dealt with properly. With the filing of this replying affidavit, the application became ripe for hearing.

[10] However, on 27 August 2025 the first respondent resolved not to persist in opposing the review application. Consequently, on 13 October 2025, the attorney acting for the respondents filed a notice informing that the first, second and fourth respondents

are withdrawing their opposition to the applicant's review application. This was done despite the fact that the second respondent had never filed an answering affidavit in his personal capacity, while the fourth respondent had never filed such an affidavit at all. As intimated earlier herein, the application therefore remained only opposed by the first respondent. Curiously enough, on 21 October 2025 the third respondent also filed a notice withdrawing his opposition to the application, while he had failed to file an answering affidavit in any event.

[11] The notice of 13 October 2025 therefore only pertained to the first respondent, strictly speaking. It needs mentioning that by that time, the hearing of the application had already been set down on 1 July 2025 for 27 October 2025.

[12] In my view, the decision of the first respondent not to persist in its opposition to the review application, was the correct decision and a fair outcome to the dispute before the court. This is so, because it appears to be common cause on the papers before this Court that an incident indeed happened at the Robertson event during which the applicant's horse indeed became injured. The only manner in which it can be established how this had happened and whether anyone has to carry the blame for it, appears to be by means of a disciplinary hearing where the evidence of witnesses and perhaps visual recordings can be duly considered by the disciplinary panel.

[13] The notice of 13 October 2025 did not bring an end to the matter, however. A fierce battle then ensued between the parties pertaining to the question of costs. This resulted in the appearance of the three counsels for the applicant, the first respondent and the second respondent respectively on the date of the hearing of the application to make submissions on the costs of the matter only.

[14] In my view, the matter of costs is not as complicated as represented by the counsel appearing for the different parties. Firstly, the applicant prayed in his notice of motion that the first respondent and all other parties opposing the application be ordered to pay the costs of the application jointly and severally. Secondly, we have seen that it was only the first respondent which had opposed the application, and not the other respondents. Thirdly, since the first respondent had terminated its opposition on 13 October 2025, it should be liable to pay the applicant's costs up to that date. Fourthly, since the second,

third and fourth respondents have not opposed the application, costs orders are not warranted against them.

[15] In the premises, the application for review and the setting aside of the decision taken on 28 November 2024, must succeed. The following orders are made:

1 The first and the second respondent's decision taken on 28 November 2024, not to institute disciplinary proceedings against the third and fourth respondents following the incident that took place at the Western Province Grand Championships at Robertson on 28 September 2024, is hereby reviewed and set aside.

2 The first respondent is directed to implement the disciplinary proceedings envisaged in clause 5.5 of the rules pertaining to disciplinary investigations and hearings within 10 days of date of this order.

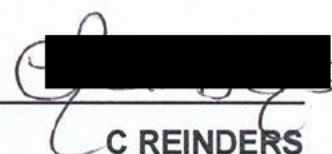
3 The first respondent is ordered to pay the costs of the application on the party and party scale, including the fees of counsel on scale B up to 13 October 2025.

4 There is no order as to costs pertaining to the second, third and fourth respondents.



P J LOUBSER
JUDGE OF THE HIGH COURT

I concur and it is so ordered.



C REINDERS
ACTING DEPUTY JUDGE PRESIDENT OF THE HIGH COURT

Appearances

For the applicant:	A Walters
Instructed by:	Bellinghan Muller Hanekom Inc., Belville c/o Honey Attorneys, Bloemfontein
For the first respondent:	J C Coetzer
Instructed by:	Lange Carr and Wessels, Upington c/o McIntyre & van der Post, Bloemfontein
For the second respondent:	W A van Aswegen
Instructed by:	Phatshoane Henney Inc., Bloemfontein
For third and fourth respondents:	No appearance.