Republic of South Africa

IN THE HIGH COURT OF SOUTH AFRICA

[WESTERN CAPE DIVISION, CAPE TOWN]

CASE NO: 2025-016193

In the matter between:

LIBERTY FIGHTERS NETWORK	First Applicant
REYNO DAWID DE BEER	Second Applicant

and

MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE	First Respondent

and

In re: The application of **DEMOCRATIC ALLIANCE**	Applicant

and

MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE, **THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA,** **AND 11 OTHERS**	Respondents

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Coram: Le Grange J

Issues: costs following a purported notice of withdrawal in terms of Rule41(1)(a) of the Uniform Rules of Court.

JUDGMENT DELIVERED: 2 JUNE 2026

LE GRANGE J:

[1] This judgment concerns the costs consequences of a purported withdrawal of interlocutory applications brought under Uniform Rules 30 and 30A, where the withdrawing party refused to tender the opposing party's costs. The matter comes before me not on the merits of the irregular step applications themselves, but on the question of whether the respondent, the Minister of Public Works and Infrastructure ("the Minister"), is entitled to his costs following the applicants' unilateral notice of withdrawal.

[2] The applicants are the Liberty Fighters Network ("LFN"), described as a voluntary association, and Mr. Reyno Dawid De Beer, who purports to act as its president and legal representative. The Minister is the primary respondent in the underlying main proceedings concerning the constitutionality of the Expropriation Act No. 13 of 2024.

Factual Background

[3] The factual matrix underpinning this dispute lies in the main application launched by the Democratic Alliance on 7 February 2025. Several parties sought to intervene or be admitted as *amici curiae*. On 29 August and 3 September 2025, the Minister filed an affidavit in respect of those intervention applications ("the *amici* affidavit"). The affidavit was neutral in substance, stating that the Minister abided the Court's decision on admission.

[4] The applicants, however, launched successive applications under Rules 30 and 30A. First, on 4 September 2025, they sought to have the Minister's *amici* affidavit declared *pro non scripto* and struck from the record. On or about 2 October 2025, the Minister filed a confirmatory affidavit from an admitted attorney, Ms. Danel Campbell, confirming the Minister's signature. Undeterred, the applicants on 17 November 2025 launched a further Rule 30 and 30A application, this time attacking the confirmatory affidavit itself.

[5] On 28 January 2026, the Judge President convened a judicial case management meeting. Mr. De Beer insisted that his Rule 30 and 30A applications were a prerequisite to any other proceedings. The Judge President accordingly directed that those applications be heard on an expedited basis. The Minister filed his answering affidavit on 3 February 2026.

[6] Critically, on 16 February 2026, the applicants filed a notice of withdrawal in terms of Rule 41(1)(a). That notice specifically excluded any tender for the Minister's costs. The Minister did not consent to the withdrawal. The matter was already set down and allocated for hearing before me. The applicants did not seek the leave of the court to withdraw.

Legal Framework Governing Withdrawal and Costs

[7] The starting point is Uniform Rule 41(1)(a), which provides that a party may withdraw any process "at any time before the matter is set down for hearing". The proviso is clear: once a matter has been set down, unilateral withdrawal is no longer available. The consent of the other party or the leave of the court is required. It is common cause that the applicants' Rule 30 and 30A applications had been set down and allocated before me for hearing. Their purported withdrawal was therefore a legal nullity. The matter, including the question of costs, remained a live issue before this court.

[8] Rule 41(1)(c) provides that where a notice of withdrawal does not embody a tender for costs, "any other party may apply to the court for an order for costs". The Minister has, in effect, done so by persisting in his opposition and filing Heads of Argument. Despite Mr De Beer's adamant view to the contrary. According to Mr De Beer, the matter is moot and should not be entertained by the Court.

[9] The substantive law governing costs on withdrawal is well settled. In Germishuys v Douglas Besproeiingsraad 1973 (3) SA 299 (NK) at 302, the court held that a withdrawing plaintiff or applicant is in the same position as an unsuccessful litigant. Very sound reasons must exist why the opposing party should not be entitled to its costs. This principle was recently affirmed in RVRN Crushing (Pty) Ltd v GDF Incorporated Consultants (Pty) Ltd 2024 (1) SA 269 (GJ) at para 18, where the court stated that when a litigant withdraws an application after recognising it has no merit, the expectation is that it will tender the costs incurred by the other parties. The applicants in this instance did the opposite. They withdrew but refused to tender costs.

The Merits of the Underlying Rule 30 and 30A Applications

[10] The Minister has also set out what the outcome of the Rule 30 and 30A applications would have been had they proceeded to hearing. According to the Minister this is relevant to the scale of costs as the applicants' applications were manifestly without merit, frivolous, vexatious, and is seeking a punitive costs order.

[11] The general principles on the operations of Rules 30 and 30A are trite. Rule 30 permits a party to apply to set aside an "irregular step". Rule 30A deals with non-compliance with the rules, orders, or case management directions. The jurisprudence establishes several cardinal principles. First, proof of prejudice is a prerequisite for success under Rule 30. In Doornhoek Equestrian Estate Home Owners Association v

Community Schemes Ombud Service and Others [2022] ZAGPPHC 153, (8 March2022) the court summarised the position as follows: proof of prejudice is required, and the court has a discretion to dismiss an application that has no real benefit and is merely a stratagem to postpone the matter.

[12] Secondly, the rules of court are tools to facilitate access to justice, not obstacles. The Appellate Division held in Trans-African Insurance Co Ltd v Maluleka 1956 (2) SA 273 (A) at 278 F that "technical objections to less than perfect procedural steps should not be permitted in the absence of prejudice". It follows, Courts should not permit procedural imperfections to interfere with the expeditious and inexpensive decision of cases on their real merits. In Sasol South Africa t/a Sasol Chemicals v Penkin 2024 (1) SA 272 (GJ) at para 27, the court emphasised the progressive movement away from rigid formalism. The Constitutional Court in Mukaddam v Pioneer Foods (Pty) Ltd and Others 2013 (5) SA 89 (CC) at para 39 reiterated that rules are made for courts, not courts for rules and that rigidity has no place in the operation of court procedures.

[13] Thirdly, the court has a discretion to refuse relief under Rule 30 where the application serves no legitimate purpose but rather delays proceedings.

Application to the Facts

[14] Applying these stated principles, the applicants' Rule 30 and 30A applications were doomed to fail from the outset for several reasons. The applicants alleged no cognisable prejudice. Their founding affidavit asserted that they could not respond to the Minister's *amici* affidavit without leave of the court, and that the record was "uncertain". This is unpersuasive. The affidavit of 3 September 2025 was identical in substance to the version served on 29 August 2025. The only difference was the proper commissioning. The applicants had already filed their replying affidavit in the intervention proceedings. Nothing prevented them from engaging with the content of the Minister's affidavit. The alleged "uncertainty" was entirely self-created by their own decision to attack form rather than substance.

[15] But more fundamentally, the applicants failed to show that any procedural irregularity—even if one were to assume its existence—prejudiced them in the conduct of their case. No other party objected to the Minister's *amici* affidavit. The Minister's affidavit was manifestly helpful, not harmful: it stated that the Minister abided the court's decision and suggested that only parties with constructive submissions should be admitted. It is difficult to conceive of a less prejudicial filing.

[16] The applicants' second Rule 30/30A application, attacking the confirmatory affidavit of Ms. Campbell, was even more hopeless. Rule 30(2)(b) affords a party ten

days to remove the cause of complaint. The Minister did precisely that by filing a confirmatory affidavit from an admitted attorney who witnessed the signature. That should have been the end of the matter. Instead, the applicants insisted that the Minister withdraw the *amici* affidavit entirely—a demand that was unreasonable and constituted an abuse of the remedial purpose of Rule 30.

[17] I therefore find that the applicants' Rule 30 and 30A applications had no reasonable prospect of success. They were not only without merit but were pursued for an ulterior purpose: to delay the main proceedings and to harass the Minister. As the Minister correctly submits, the real motivation appears to have been the applicants' displeasure at the Minister's *amici* affidavit, which referred to previous judgments critical of Mr. De Beer's conduct. That is not a legitimate basis for invoking Rules 30 and 30A.

The Applicants' Conduct and History of Vexatious Litigation

[18] The Minister has placed before this court a troubling history of similar conduct by the applicants. In Minister of Cooperative Governance and Traditional Affairs v De Beer and Another [2021] 3 All SA 723 (SCA) at para 119, the Supreme Court of Appeal criticised Mr. De Beer's conduct as frivolous and unbecoming. In Liberty Fighters Network and Another v Standard Bank of South Africa Limited and Others (46591/2021) [2025] ZAGPJHC 535 at para 57, the court again noted the applicants' abusive litigation tactics. In Liberty Fighters Network v Core Computer Business (Pty) Ltd and

Others [2024] ZAEQC 5, at paras 15-17, the Equality Court made similar findings. Most recently, in Liberty Fighters Network and Another v Registrar of the High Court, Gauteng Division, Pretoria and Another (2022/030165) [2026] ZAGPPHC 4, the court reiterated that Mr. De Beer's conduct demonstrates disregard for the judiciary.

[19] Senior Counsel for the Minister has also alluded that Office of the State Attorney has likewise been at the receiving of Mr. De Beer's unfounded allegations of impropriety and unprofessionalism.

[20] Despite the repeated warnings from the courts, the applicants have persisted. This pattern of behaviour is not merely regrettable; it is an abuse of the court's processes and a drain on public resources. This must stop. The Minister is funded by the taxpayer. There is no reason why the public should bear the costs of litigation that is manifestly without merit and pursued for improper purposes.

The Representation Issue

[21] A further irregularity must be noted. The first applicant, LFN, is a voluntary association—a juristic person. Mr. De Beer is not a practising legal practitioner. He has signed all documents, including notices and affidavits, on behalf of LFN. He relies on

section 33(1) of the Legal Practice Act 28 of 2014, which prohibits laypersons from acting for reward.

[22] The law is clear. In Manong & Associates (Pty) Ltd v Minister of Public Works and Another 2010 (2) SA 167 (SCA) at paras 6-7, the Supreme Court of Appeal held that a company (and by analogy, any juristic person) cannot be represented by a person who is not a legal practitioner. The court emphasised pragmatic and policy reasons: corporate officers could otherwise litigate hopeless causes without personal risk.

[23] Mr. De Beer has also requested costs against the Minister in the event the applicants are successful. This fatally undermines any suggestion that he acts without the expectation of reward. The request for a costs order is itself a claim for a financial benefit. Accordingly, LFN is not properly before this court, and Mr. De Beer has no authority to represent it. This constitutes an additional ground for dismissing the applications and for holding Mr. De Beer personally liable for costs.

The Appropriate Costs Order

[24] The general rule is that costs follow the result. The applicants have effectively failed in their Rule 30 and 30A applications by withdrawing them without tendering costs. They are therefore liable for the Minister's costs on the ordinary scale.

[25] However, the Minister seeks a punitive order: costs on the attorney-and-client scale, payable by Mr De Beer personally (*de bonis propriis*), including the costs of two counsel (senior and junior) on Scale C.

[26] It is trite "where a litigant withdraws an action or in effect withdraws it, very sound reasons must exist why a defendant or respondent should not be entitled to his costs. The plaintiff or applicant who withdraws his action or application is in the same position as an unsuccessful litigant because, after all, his claim or application is futile and the defendant, or respondent, is entitled to all costs associated with the withdrawing of plaintiff's or applicant's institution of proceedings". See Germishuys v Douglas Besproeiingsraad supra. Where a litigant persists with a meritless application after it has become clear that it cannot succeed, a punitive costs order may be justified. See RVRN Crushing (Pty) Ltd v GDF Incorporated Consultants (Pty) Ltd 2024 (1) SA 269 (GJ).

[27] In this instance, the applicants persisted for months, through two separate Rule 30/30A applications, even after the Minister cured the only arguable defect. Their conduct was not merely misguided but simply to disrupt the administration of justice.

[28] Moreover, the applicants' conduct throughout has been an abuse of court process. They have used the Rules of Court not to facilitate the just determination of

issues, but to obstruct and delay. They have ignored repeated warnings from multiple courts. They have caused the Minister—and thus the taxpayer—to incur substantial legal costs. In these circumstances, the ordinary costs order would be insufficient to mark this court's displeasure and disapproval of the Applicants' conduct.

[29] I also find that Mr. De Beer should be held personally liable. He is the driving force behind LFN. He is not a legal practitioner but has purported to represent LFN unlawfully. He has personally signed all pleadings and notices. He has made the litigation decisions. It is just and equitable that he, and not the unincorporated LFN (which may have no assets), bear the costs personally.

Order

[30] In the result the following order is made:

1. The applicants' applications in terms of Uniform Rules 30 and 30A are dismissed with costs.
2. Such costs shall be paid by the second applicant, Mr Reyno Dawid De Beer, *de bonis propriis* (personally).
3. The costs shall be on the attorney-and-client scale.
4. Such costs shall include the costs of two counsel, comprising one Senior Counsel (Scale C) and one Junior Counsel (Scale C).

5. The first applicant, the Liberty Fighters Network, is not properly before the court, but nothing in this order precludes the Minister from enforcing the costs order against the assets of the first applicant should it hold any.

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LE GRANGE J

Appearances:

For the Respondent (Minister): Adv Anton Katz SC and Adv Monique Lee Davis
Instructed by: The State Attorney, Cape Town

For the Applicants (LFN and De Beer): No appearance (matter treated as unopposed following purported withdrawal)