



## CONSTITUTIONAL COURT OF SOUTH AFRICA

**Hennie de Beer Game Lodge CC v Waterbok Bosveld Plaas CC and Another**

**CCT 106/09  
[2010] ZACC 1**

**Date of Judgment: 4 February 2010**

---

### MEDIA SUMMARY

---

*The following media summary is provided to assist in reporting this case and is not binding on the Constitutional Court or any member of the Court.*

The Constitutional Court today handed down a judgment reviewing the taxation of a bill of costs by the Taxing Master of this Court.

Hennie de Beer CC sought leave to appeal against a judgment of a Full Court of the North Gauteng High Court in favour of Waterbok CC. Hennie de Beer's application for leave to appeal was dismissed with costs.

As was its due, Waterbok presented its bill of costs, which was taxed on 22 May 2008. The Taxing Master allowed counsel's fees totalling 61 hours for drafting a 62-page affidavit resisting leave to appeal. Hennie de Beer objected to this fee. It complained that in view of the prior application to the Supreme Court of Appeal and the Full Court appeal that preceded it, counsel's fees for drafting the affidavit resisting leave to appeal in this Court were "excessive" and "exorbitant".

In a unanimous judgment of the Court, the Constitutional Court affirmed the principle that taxation should afford "reasonable remuneration for work necessarily and properly done".

The Court found that, in the circumstances of this case, the time charged for the preparation of that affidavit was not reasonable. The majority of the disputed affidavit was a rehearsal of issues that had already been well trampled out before the Full Court and in the application to the Supreme Court of Appeal. The Taxing Master, therefore, erred in allowing counsel 61 hours for drafting the affidavit. The Court found that at most 20 hours could be considered reasonable.

Accordingly, the Court set aside the Taxing Master's allowance for the disputed section of counsel's bill of costs and, in its stead, allowed a total of 20 hours at R1 200 per hour. The fees allowed to counsel, who had charged R111 264, and to whom the Taxing Master had allowed R73 200, were therefore reduced to R24 000.