



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF
APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 8 April 2026

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Hartmann and Others v Hacker N.O and Others (1543/2024) [2026] ZASCA 46 (8 April 2026)

Today, the Supreme Court of Appeal (SCA) upheld an appeal with costs against the order of the Free State Division of the High Court, Bloemfontein (the high court), which had dismissed the appellants' application on the basis that they lacked locus standi. The SCA set aside the order of the high court and replaced it with an order declaring that the 'distribution event' in terms of clause 12.1 of the Hartmann Family Trust Deed occurred on 22 January 2022, with costs payable from the Trust estate.

The matter concerned a dispute between beneficiaries of the Hartmann Family Trust regarding whether a valid decision had been taken by the trustees to postpone the final distribution of the trust capital. The appellants, who were beneficiaries of the Trust, contended that no valid decision had been taken within the time period prescribed in the Trust Deed and sought a declarator that the distribution event had already occurred.

The high court dismissed the application on the basis that the appellants lacked locus standi. It held that certain appellants were only contingent beneficiaries and that another appellant had not properly confirmed his participation in the proceedings. As a result, the high court did not determine the merits of the dispute concerning the interpretation of the Trust Deed or the alleged postponement of the distribution event.

On appeal, the SCA found that the high court erred in its approach to locus standi. The SCA held that upon acceptance of a benefit under a Trust, the beneficiary acquires rights under the Trust and he/she have standing to institute proceedings relating to the administration of the trust. The SCA held that the appellants, as income and contingent capital beneficiaries, had standing to institute the proceedings for the purpose of seeking declaratory relief.

On the merits, the SCA considered whether a valid decision had been taken to postpone the distribution event. Interpreting clause 12.1 of the Trust Deed, the SCA held that any decision to extend the distribution date had to be taken within six months of the death of the last surviving founder and had to include both the decision to postpone and the determination of a new date. The SCA found that there was no evidence that the authorised trustee had taken such a decision within the prescribed period.

In the result, the SCA concluded that no valid decision had been taken to postpone the distribution event and that it therefore occurred on 22 January 2022. The SCA granted the declaratory relief sought and ordered that the costs of the appeal be paid from the Trust estate, finding no basis to mulct the trustees personally in costs.

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