



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: 03 February 2023

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

*Helen Suzman Foundation v The Speaker of the National Assembly and Others (484/2021)
[2023] ZASCA 6 (03 February 2023)*

Today the Supreme Court of Appeal (SCA) dismissed, with costs, an application for reconsideration of a decision made on an application for leave to appeal. The reconsideration application was referred by the President of the SCA for oral argument in terms of s 17(2)(f) of the Superior Courts Act 10 of 2013.

This application was brought by the Helen Suzman Foundation (HSF) in terms of s 17(2)(f) of the Superior Courts Act 10 of 2013, for the reconsideration of an adverse costs order made pursuant to SCA's dismissal of the HSF's petition for leave to appeal against an order of a full court of the Gauteng Division of the High Court, Pretoria. The HSF application for leave to appeal was refused and a costs order was made against it. In the reconsideration application the HSF argued that costs should not have been awarded against it in terms of the *Biowatch* principle as the full court had done.

The SCA held that the *Biowatch* principle is not unqualified and it was unable to find that the judges that considered the application for leave to appeal ignored the applicable principles when considering the costs ordered. The court was also unable to find that grave injustice would result if the decision award of costs was allowed to stand.

In a separate concurring judgment Mabindla-Boqwana JA expressed doubt as to whether s 17(2)(f) of the Superior Courts Act envisages the kind of application brought by the applicant for reconsideration.

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