

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 40/2009  
[2009] NZSC 71**

BETWEEN CHRISTOPHER BEDE WARD  
Appellant

AND DIANA MARY WARD  
Respondent

Court: Tipping, McGrath and Wilson JJ

Counsel: M E J Macfarlane and D G Matheson for Appellant  
H R Grayson for Respondent

Judgment: 1 July 2009

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is granted in part.**

**(REASONS)**

[1] We consider that leave to appeal should be given on two of the proposed grounds but not on the third. The approved grounds are:

- (i) Was the Court's jurisdiction to vary the settlement ousted by s 182(6) of the Family Proceedings Act 1980?
- (ii) If not, did the Court of Appeal err in upholding the way in which the Family Court exercised its jurisdiction under s 182?

[2] We have declined to give leave on the ground of whether what occurred in this case was a settlement within the meaning of s 182 because we are of the view that the decision of the Court of Appeal on this point is undoubtedly correct. We do not consider that the appellant's proposed contentions are sufficiently arguable.

Solicitors:  
Sainsbury Logan & Williams, Napier for Appellant  
Gresson Grayson, Hastings for Respondent