

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 18/2018
[2018] NZSC 43

BETWEEN PETER RICHARD PRESCOTT
Applicant

AND NEW ZEALAND POLICE
Respondent

Court: Elias CJ, William Young and Ellen France JJ

Counsel: Applicant in person
K M Wakelin and G E W Montgomery for Respondent

Judgment: 9 May 2018

JUDGMENT OF THE COURT

A The applicant's applications for leave to appeal and to set aside the High Court judgment are dismissed.

B The applicant is to pay the respondent costs of \$2,500.

REASONS

[1] The applicant applied to the Court of Appeal for leave to appeal out of time against the dismissal in the High Court of an application to set aside a bankruptcy notice¹ and sought a waiver in respect of the filing fee. This was refused by the Deputy Registrar. His application to review that decision was dismissed by Brown J.² He now seeks leave to appeal to this Court against the decision of Brown J.

¹ *Prescott v New Zealand Police* [2017] NZHC 2701 (Associate Judge Bell).

² *Prescott v New Zealand Police* [2018] NZCA 16.

[2] The point which the applicant wishes to advance is that he is not a “person” and thus not subject to the Insolvency Act 2006. We do not propose to engage with this argument, save to say that it is self-evidently wrong.

[3] The application for leave to appeal is dismissed as is a further document which the applicant has filed, styled “[a]pplication as of right to have the judgment of Associate Judge Bell set aside under the doctrine on ex debito justitiae”.

[4] The applicant is to pay the respondent costs of \$2,500.

Solicitors:
Meredith Connell, Auckland for Respondent