

IN THE SUPREME COURT OF NEW ZEALAND

**SC 43/2007
[2007] NZSC 82**

BETWEEN BEN NEVIS FORESTRY VENTURES
 LIMITED AND ORS
 Appellants

AND COMMISSIONER OF INLAND
 REVENUE
 Respondent

SC 44/2007

BETWEEN ACCENT MANAGEMENT LIMITED
 AND ORS
 Appellants

AND COMMISSIONER OF INLAND
 REVENUE
 Respondent

Court: Tipping, McGrath and Anderson JJ

Counsel: C R Carruthers QC, R B Stewart QC and G J Harley for Appellants in
 SC 43/2007
 C T Gudsell QC for Appellants in SC 44/2007
 D J White QC and J H Coleman for Respondent

Judgment: 9 October 2007

JUDGMENT OF THE COURT

**[1] Leave is granted to the appellants on both applications to
appeal the judgment of the Court of Appeal [2007] NZCA 230. We
do not understand the applications to be seeking leave to appeal the**

judgment of the Court of Appeal [2007] NZCA 231. We would, in any event, not be disposed to grant leave to appeal that judgment.

[2] The approved grounds for the appeal for which leave is granted are:

(1) Whether the appellants satisfy the statutory requirements relied on to found both the claim for deductions and the timing of claims in terms of any requirements that they be spread over a period.

(2) Whether the Trinity forestry venture was rightly treated by the respondent as a tax avoidance arrangement.

(3) If that question is answered in the affirmative, whether the respondent's consequential actions and assessments (including the imposition of penalties) were validly undertaken.

(4) To the extent not expressly covered in the foregoing grounds, whether the Court of Appeal was correct to uphold the assessments made by the respondent against the appellants.

[3] It is a condition of the grant of leave that the appellants provide security for costs to the satisfaction of the Registrar in the sum of \$25,000, no later than Friday 26 October 2007.

Solicitors:

Wynyard Wood, Auckland for Appellants in SC 43/2007

Wynyard Wood, Auckland for Appellants in SC 44/2007

Crown Law Office, Wellington for Respondent