

IN THE SUPREME COURT OF NEW ZEALAND

**SC 72/2008
[2008] NZSC 102**

BETWEEN P AND B
 Appellants

AND CROWN HEALTH FINANCING
 AGENCY
 Respondent

Court: Blanchard, Tipping and McGrath JJ

Counsel: R Chapman for P
 S M Cooper for B
 D B Collins QC and L M Hansen for Respondent

Judgment: 1 December 2008

JUDGMENT OF THE COURT

- A Leave to appeal is granted.**
- B The approved grounds are:**
- (a) Were the leave and immunity provisions in s 6 of the Mental Health Amendment Act 1935 and s 124 of the Mental Health Act 1969 applicable to patients admitted informally to psychiatric hospitals?**
- (b) If so, did those provisions apply to such patients so admitted after 1 April 1972 to hospitals whose control had passed to hospital boards on that date?**

Solicitors:
Johnston Lawrence, Wellington for Appellants
Crown Law, Wellington