

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 88/2006  
[2008] NZSC 93**

BETWEEN                      NIKALA JANICE TAYLOR  
   Applicant

AND                              CHRISTOPHER DEAN JONES  
   Respondent

Court:                      Elias CJ, Blanchard, Tipping, McGrath and Anderson JJ

Counsel:                  W C Pyke for Applicant  
   T Sutcliffe for Respondent

Judgment:                5 November 2008

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**JUDGMENT OF THE COURT – APPLICATION FOR COSTS**

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**The application for costs is dismissed.**

**REASONS**

[1]     The present applicant, Ms Taylor, succeeded in her appeal concerning the issuance against her of a writ of habeas corpus on the application of the respondent, Mr Jones.<sup>1</sup> She has applied for costs in this Court and in the Court of Appeal.

[2]     Normally a successful appellant could expect to receive an award of costs against the unsuccessful respondent, especially where the respondent had initiated the proceeding. This case is, however, unusual. Mr Jones is the father of a child who was abducted and whom the police were at the relevant time unable to find. Mr Jones had reason to believe that the person who had originally taken the child was Ms Taylor. He was ultimately unsuccessful in his application for habeas corpus

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<sup>1</sup>     *Jones v Skelton* [2007] 2 NZLR 178 (NZSC).

against her because, regardless of whether Ms Taylor had been involved in the abduction, it was plain that by the time Mr Jones's application was heard in the High Court she no longer had custody or control of the child.

[3] Happily, the child was found. Ms Taylor was prosecuted. She has now admitted her involvement in the abduction and entered a plea of guilty.

[4] In these unusual circumstances it is entirely inappropriate that she should receive any award of costs against Mr Jones and her application for costs is dismissed.

Solicitors:  
Swarbrick Dixon, Hamilton, for Applicant  
Till Henderson King, Hamilton for Respondent