

IN THE SUPREME COURT OF NEW ZEALAND

SC 22/2013
[2013] NZSC 65

BETWEEN	MALCOLM EDWARD RABSON Applicant
AND	WAYNE SEYMOUR CHAPMAN Respondent

Court:	William Young and Glazebrook JJ
Counsel:	Applicant in person S Barker for Respondent
Judgment	2 July 2013

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Mr Rabson seeks leave to appeal against a decision of Randerson J of 11 February 2013¹ dismissing his application for review of the Registrar's decision to dispense with security for costs in relation to an appeal against a judgment of Kos J of 10 December 2012.²

[2] Mr Rabson also seeks leave to appeal against a minute of the Court of Appeal that it had no jurisdiction to review the judgment of Randerson J.

[3] As to the proposed appeal against Randerson J's decision, the law in relation

¹ *Rabson v Chapman* [2013] NZCA 5.

² *Chapman v Rabson* [2012] NZHC 3322.

to security for costs is well settled and the decision of Randerson J was made in accordance with established principles. No issue of public importance arises. Nor do any of the matters raised by Mr Rabson point to any risk of a miscarriage of justice.³

[4] With regard to the Court of Appeal minute, the power for a single judge to review the decision of the Registrar arises under s 61A(3) of the Judicature Act 1908. The Court of Appeal's powers under s 61A(2) to review decisions made by a single judge of that Court are expressly limited to the review of interlocutory and incidental orders made by a single judge in chambers pursuant to s 61A(1). There is no power for the Court to review decisions made under s 61A(3).⁴

[5] In any event, as noted by counsel for the respondent, Mr Rabson was adjudicated bankrupt on 18 March 2013. We do not know the status of the particular appeal at issue in light of Mr Rabson's bankruptcy.⁵

[6] The application for leave to appeal is dismissed.

[7] Given that Mr Rabson has been adjudicated bankrupt, there is little point in making an order for costs and none is made.

Solicitors:
Buddle Finlay for Respondent

³ Supreme Court Act 2003, s 13.

⁴ *Siemer v Stiassny* [2013] NZSC 11 at [4].

⁵ Lindsay Hampton and others *Brookers Insolvency Law & Practice* (Loose-leaf ed, Thomson Brookers) at [IN101.05] and [IN101.07].