

IN THE SUPREME COURT OF NEW ZEALAND

SC 114/2015  
[2015] NZSC 183

BETWEEN DOUGLAS BANKS AND CHRISTINE  
SANDRA BANKS  
Applicants

AND GREY DISTRICT COUNCIL  
Respondent

Court: William Young, Glazebrook and O'Regan JJ

Counsel: Applicants in person  
J Shackleton for Respondent

Judgment: 1 December 2015

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**JUDGMENT OF THE COURT**

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**The application for recall is dismissed.**

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**REASONS**

[1] In a decision dated 28 October 2015, this Court dismissed Mr and Mrs Banks' application for leave to appeal to this Court against a decision of the Court of Appeal.<sup>1</sup>

[2] On 2 November 2015, Mr and Mrs Banks filed a memorandum which was, in substance, an application for recall of this Court's judgment. On 4 and 9 November 2015, Mr and Mrs Banks filed two supplementary memoranda.

[3] By judgment dated 11 November 2015, this Court rejected the recall application on the basis that it mirrored their application for leave to appeal and attempted to re-argue the points dismissed in this Court's leave judgment.<sup>2</sup>

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<sup>1</sup> *Banks v Grey District Council* [2015] NZSC 158.

[4] By e-mail dated 23 November 2015, Mr and Mrs Banks contacted the Registry of this Court and asked if the Court would address the second and third memoranda that were filed with respect to the above recall application. We will treat this letter as a second application for recall.

[5] While this Court did not specifically mention the two additional memoranda in its recall judgment, the Court considered all the material submitted by Mr and Mrs Banks in dismissing the application.

[6] All three memoranda attempted to re-argue points that were the subject of the application for leave to appeal. The criteria for recall are not met and the application is dismissed.

Solicitors:  
Simpson Grierson, Wellington for Respondent